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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KEN SALAZAR, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Almighty God, the fountain of wisdom and strength, thank You for the beauty and glory of this day. With Your life, You have provided us with a model of excellence. With Your sacrifice, You have infused us with victory for yesterday, strength for today, and bright hope for tomorrow. Lord, with Your presence, You have imparted a love that never fades, and with Your guidance, we have found dreams that lead to abundance. Lead on, Great King Eternal, for we follow not in fear.

Guide the Members of this body to new levels of excellence. Give them robust health, faith for their perplexities, wisdom for their decisions, and light for the path ahead. Make them willing to be instruments of Your providence.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KEN SALAZAR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 25, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KEN SALAZAR, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SALAZAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to have an hour of morning business. The time is controlled by the two leaders. The Republicans control the first half, the Democrats the second half.

Following morning business, the Senate will resume consideration of Amtrak. Last night, an agreement was entered into regarding consideration of the pending Sununu amendment relating to rail subsidies. There will be 2 hours of debate on that amendment. Votes are expected sometime around 11:30 or 11:40 today.

I would say that the Republican leader and I just had a conversation. We have to check with a couple of Senators on each side. What we might try to do to get out of the procedural problem we have now—because we do have one with this—is we may try to set up a couple of competing votes. We will try to do that. We know the issue is pretty well formed. We know what one side wants, and we know what the other side wants. So it is probably appropriate that we set something up so that we can vote on both of them. What

has been suggested is that we have a 60-vote margin on both of them, which, of course, is certainly done on occasion around here.

So as soon as I finish here, I am going to go make a couple of calls to my Senators and see if we can have Senator MCCONNELL—if he has any problems on his side, he will do the same, and maybe we can enter into some kind of an agreement and vote at 11:30, maybe two votes. We are on top of that. I think it would be a way to move into this bill so that we are actually debating the railroad Amtrak issues rather than this Internet issue, which is important, and it has to be decided within the next few days one way or the other because otherwise it expires. So that is where we are.

There should be amendments throughout the day. I know I have had one Senator who asked me if there will be votes tonight, and I think it is very likely there will be votes tonight. So I think anyone considering going to Boston to watch the World Series might not be able to do that.

MEASURE PLACED ON THE CALENDAR—H.R. 3564

Mr. REID. Mr. President, H.R. 3564 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the title of the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 3564) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

Mr. REID. I now object to any further proceedings.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that any time Senator MCCONNELL and I use not be charged against the time for the two sides on morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING SENATOR PAUL WELLSTONE

Mr. REID. Mr. President, 5 years ago today, the Senate lost one of its hardest working, most respected Members: Senator Paul Wellstone. I can still remember very clearly the phone call I received from Pete Rouse, who was the chief of staff for Senator Daschle, and he said: I have some terrible news. There was an airplane crash, and we think Paul Wellstone was on that plane.

Well, hope springs eternal, and I was hoping that was wrong, but it wasn't. He was in a plane crash. Sheila, who was his partner—she was with him everywhere—was killed in that plane crash. One of his three children, Marcia, was also killed, and three campaign aides.

Typical for Paul Wellstone, he had made a commitment to be someplace, and he wanted to go. The weather was bad. The pilot said everything would be OK. The pilot wasn't telling him the way it really was. I am not going to get into how the accident happened or why it happened, but certainly it was nothing that Paul Wellstone did wrong. Paul Wellstone wanted to fulfill a commitment. He shouldn't have been up in that airplane. The pilot shouldn't have taken that airplane into the areas that he did, but he did.

In his life, Paul Wellstone earned the titles of doctor, professor, Senator, but he liked to be called Paul. That is what I am going to call him today.

Paul loved to talk. He stood back there, and he was a good speaker. I can remember the first time I heard him speak. There were some new Senators who had been elected, and we had an event in the Rotunda for the new Senators. I had never heard him speak before. He was dynamic, what he said. He was talking about why he had gotten involved in politics.

Paul came here in 1991. He was a crusader. That is what he was. He was a crusader. He was always out charging ahead on some issue he believed in. Mostly, the issues were those where people needed help. The poor, the left behind, veterans, the environment, and those with mental illness were always a special concern to him. He took pride in championing the fight for people needing a helping hand.

He knew a lot about growing up with adversity. He had a brother he loved who suffered from mental illness, and that is why he joined with Senator DOMENICI to work on mental health parity. His parents worked hard. They

didn't have much. But Paul told me how his father would sit at the table in the evening and talk to him about what was important in life.

He was a remarkable man. He was very small in stature physically, but in that big facility across Constitution Avenue, the police headquarters, where hundreds and hundreds of police officers come and go out of that facility every day over the years, Paul Wellstone still holds the record of being able to do the most chin-ups and the most pushups in a given period of time. He was a powerful little man physically.

Most of what he accomplished, as indicated with the chin-ups and pushups, was with sheer grit and determination. He earned a wrestling scholarship from the University of North Carolina, Chapel Hill. He married his high school sweetheart. He earned an Atlantic Coast Wrestling Championship and managed to graduate in just 3 years. After college, he earned a Ph.D. in political science and became a college professor at the age of 24 at a very academically known school, Carleton College in Minnesota.

But even then, in his years before the Senate, he was a true believer and an impassioned fighter for justice, and that is an understatement. One may not have agreed with what his definition of justice was, but his definition was worth fighting for, and he fought hard.

While teaching at Carleton College, he led the charge to divest the university from apartheid in South Africa. He helped local farmers when banks came to foreclose on their farms. That is Paul Wellstone. He fostered a new generation of active, civic-minded students by teaching specialized courses with names like "Social Movements" and "Grassroots Organizing." These were courses he invented. There were no textbooks for them.

There were some who said that for an untenured professor, teaching activism and leading campus protests wasn't the smartest career move a person could make. In fact, when Paul came up for tenure, he was initially denied. In effect, he was in the process of being fired. It took a groundswell of student support. Thousands and thousands of students, most of whom didn't even go to that university, rallied on his behalf. He kept his job. He got tenure. At 28, he was the youngest tenured professor in the history of Carleton College. It was done because the students wanted him more than did the administration, because he was a great teacher.

So when he came to the Senate, it was no surprise he brought a fearless progressive spirit with him. I recall observers comparing him to Jimmy Smith's character in "Mr. Smith Goes to Washington." He was idealistic, he was determined, and he was very effective.

He came here refusing to be phased by the politics of division, refusing to

be phased by business as usual. I don't think the phrase "status quo" was in his vocabulary. Wherever he saw injustice, intolerance, or simply ineffectiveness, one would understand that Paul Wellstone would be around. When he found injustice in the treatment of the mentally ill, he stepped forward to ensure parity for sufferers of what were known as unspoken illnesses when it comes to insurance caps. When he found injustice in the treatment of our veterans, he stepped forward to help them, especially those who were homeless. When he found injustice in the way our Earth was treated, he stepped forward to protect the Alaska National Wildlife Refuge from drilling, among other things. He never hesitated, paused, or pondered. He stepped forward. He was really a leader.

Now, in his leading, that didn't mean everybody agreed with him because much of the time—in fact, most of the time—he was in the minority. He didn't care if he had two people supporting him or one or if he was alone. He never hesitated—I repeat, he never paused or pondered.

Many wondered how this fire-breathing progressive was able to accomplish so much in his time. The answer is that he believed in bipartisanship and he actively embraced it. It was never a surprise to see Paul team up with one or more of the Senate's most conservative Members to get something done for the people of the State of Minnesota or our country. During his time here in Washington, it never changed him. It really didn't. He left this Earth with the same idealisms and passion he always had.

He once said:

Never separate the life you live from the words you speak.

He lived by that rule.

I recall that when he first arrived in the Senate, he kept wondering—he would leave his office all messed up, and he would come back and it was clean. He asked: Who does that? He was told: People come in late at night and clean your office—the janitors. So Paul Wellstone, after learning that, stayed that night. They came after midnight. He waited for them so he could tell them how much he appreciated them cleaning his office. That is the kind of guy he was. True to form, he did that, as he did many unusual things, in the minds of many.

There is a man who still works here; his name is Gary. I don't know Gary's last name. He is a big man. He helps us here. We have all seen him. Gary said people refer to him as "Tiny." Paul told me: I would appreciate it if you wouldn't refer to him as "Tiny." His name is Gary. I have never referred to him as anything other than Gary. He thought that was a pejorative statement. Tiny, as many people refer to him, is a huge man, and Paul somehow thought that was not the right thing to do.

He was really my friend. I counseled with him. I went to the doctor with him. Right before he was killed, he had

a terribly bad back. Oh, it was bad. He refused to go to the doctor. He refused to go to the hospital, which is where he should have gone. We took him to the doctor down here. The sweat, because of the pain, was pouring off his face.

He was a very tough man. I will always remember that phone call I got from Pete Rouse. I will always remember Paul Wellstone. The loss of his presence has been felt and missed every day. He added a new dimension to the Senate. You don't always have to win to be a winner. So I say to his sons, David and Mark, and the entire Wellstone family, Paul Wellstone will always be in my heart and in the hearts of anyone who knew him.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I, too, today wish to comment on the remarkable life of Paul Wellstone. Elaine and I got to know Paul for two reasons. No. 1, they lived right near us on Capitol Hill and we would frequently see them coming and going. No. 2, Sheila was from eastern Kentucky, and we had an opportunity to share observations about those good people in eastern Kentucky from whom she sprang.

Today is indeed a sad anniversary. I join the Senate family in honoring the memory of Senator Paul Wellstone and celebrating his distinguished Senate career.

He was the most unlikely Senator. His election in 1990 was widely considered kind of a fluke, an accident. But he was neither. He was the genuine article, an extraordinary man who came to work every day with enthusiasm. He had a very upbeat outlook on life. Sometimes people who are either on the very left or the very right have a kind of grim view of things. Paul would, by his own admission, say he was on the very far left of things, but he didn't have a grim nature about him at all. He was upbeat and optimistic, and he came to work every day ready to fight for what he believed in.

Paul was a champion of mental health and other causes. With Paul, you never had any uncertainty about where he stood. It was absolutely clear. I am having a hard time recalling a single matter upon which he and I agreed, but Paul was what I would call a conviction-based politician, a public servant who never wavered from his beliefs, even when the political winds shifted against him.

He and Sheila—that eastern Kentuckian I talked about—were absolutely inseparable. High school sweethearts, they had been married for 39 years when, regrettably, the plane carrying them, their daughter Marcia, three staff members, and two pilots went down in Eveleth, MN, on the way to a debate in Duluth.

The entire Nation grieved that day for this former wrestling champ, an unlikely and, as I indicated, unforgettable Senator. We grieve on this anniversary with Paul's two surviving sons,

David and Mark, and the many former Wellstone staffers, the Wellstone people who worked so hard to carry on his legacy. As the majority leader indicated, he had a distinguished academic career, earned his bachelor's degree in 1965 and his doctorate 3 years later. He plowed right through college at the University of North Carolina, both his undergraduate degree and his doctorate. He was a Phi Beta Kappa. That is about as good as it gets for a student at college. He actually attended on a wrestling scholarship.

Paul was not very tall. He was 5 feet 5 inches or 5 feet 6 inches but a strong guy. He was a champion Atlantic Coast Conference wrestler. He was named to the all-ACC wrestling team.

As the majority leader outlined, Paul was a great professor, widely loved and admired by his students, and I think it is safe to say he was widely admired and loved by his colleagues in the Senate.

We will always remember Paul Wellstone.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. TESTER). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first portion and the Republicans controlling the final portion.

The Senator from Minnesota is recognized.

REMEMBERING PAUL AND SHEILA WELLSTONE

Ms. KLOBUCHAR. Mr. President, I wish to speak this morning to honor the memory of Paul and Sheila Wellstone. Today, it is exactly 5 years ago that they died in a plane crash outside Eveleth, MN, a beautiful area of our State called the Iron Range, where, in some ways, Paul Wellstone got his political start. Part of it was the farms of southern Minnesota, when he stood up for farmers when the farms were being foreclosed on. But part of it was the work he did with those iron ore miners. My grandfather was an iron ore miner who worked 1,500 feet underground in the mines of Ely, MN, about a half hour away from where Paul died.

Paul Wellstone's daughter Marcia was also killed in the crash—his longtime staff members, Mary McEvoy, Tom Lapik, and Will McLaughlin, as well as the pilot and copilot of the plane. On this day, 5 years later, the people of Minnesota are remembering

that crash and remembering Paul and Sheila. It is so hard to believe it has been 5 years since we have lost them. It feels both so long ago and not so long ago at all. Part of why it doesn't seem so long ago to me is because everywhere I go in this Capitol, people remind me of Paul. When I say I am a Senator from Minnesota, they remember Paul—people such as TED KENNEDY, who worked with him on mental health issues, to the tram drivers, who for years and years have driven that tram from the Capitol to the Senate office buildings. When I said I was this new Senator from Minnesota, the driver said, "Paul Wellstone was a Senator from Minnesota."

The cops who guard at the Capitol remember Paul. The secretaries in the offices remember Paul. That is because he treated everybody with such dignity in this Capitol and with such dignity in our State. That was Paul Wellstone.

For me, as for so many other Minnesotans, it is impossible to forget the moment we first heard about the plane going down and then the wait to get the final news that there were no survivors.

Paul and Sheila would be the first to tell us we should not look back on what they accomplished and stood for. They would be the first to insist our responsibility is to look ahead to the work that still must be done to carry their legacy forward.

Although Paul and Sheila are no longer with us, we know their dreams and passions remain very much alive. I get my own special reminder every day, not just with the employees in the Capitol but because the flag from Paul's Senate office hangs in our Senate office. It is a powerful reminder to me of Paul and all he tried to do in Washington.

During his lifetime as an educator, as an activist, and as a Senator, Paul inspired people throughout Minnesota and throughout America.

Even now, his work and his spirit continue to inspire people of all ages, from all walks of life, all across our country, who remember Paul for the fundamental values he fought and struggled for.

He was a voice for the voiceless. He and Sheila stood for victims of domestic violence who were afraid to talk about it, afraid to go to court. They stood for them and made this their life's passion.

He brought power to the powerless—people such as the iron miners in Minnesota, people such as those farmers whose homes and farms were foreclosed on.

He brought justice to those who suffered injustice.

He brought opportunity to those who didn't have opportunity. When going to any small community event in our State or to events with large immigrant populations, they all remember Paul coming to their marketplaces or how he would meet with the women. Some of them—the elders—can hardly

speaking English, but they can say "Wellstone."

I know I will forever be humbled by the oath I took to be a Senator from Minnesota. I know that not I nor anyone else can truly follow in Paul's footsteps. But he is an inspiration for us all.

Paul was my friend and mentor. He taught me how to campaign on a city bus. When I first ran for office, for county attorney, we would get on a city bus and work the entire bus. We would meet everybody on the bus. When we would get to the end of 8 blocks, we would say we are at our stop and get off. Then we would get back on a bus going the other way. We would go around for hours until we met everybody on those buses in Minneapolis that afternoon. He worked bus by bus, block by block, precinct by precinct to touch people in a way that made people believe, made people know that involvement in politics could make a real difference in their lives. That is what he told those new immigrants, new citizens. He told them that involvement in politics could make a difference in their lives. He did it not only by his words but by how much he went out and touched them and were a part of their life.

Paul was a crusader and a man with many passions. Anyone who ever met or talked with him quickly found out he had a special passion for helping those with mental illness. That was shaped by the suffering of a member of his own family. Many of you may know Paul's story about his brother Stephen.

As a young child, Paul watched his brother's traumatic descent into mental illness. When Stephen was a freshman in college, he suffered a severe mental breakdown and ended up spending the next 2 years in mental hospitals. Eventually, he recovered and graduated from college with honors. But it took his immigrant parents years to pay off the hospital bills.

Writing about this, Paul recalled the years that his brother was hospitalized. "For two years," he wrote, "the house always seemed dark to me—even when the lights were on. It was such a sad home."

Decades later, Paul knew there were still far too many sad homes in our great Nation—too many families devastated by the physical and financial consequences of mental illness.

Paul knew we could and we should do better. For years, he fought to allocate funding for better care, better services, and better representation for the mentally ill. For years, he fought for mental health parity in health insurance coverage.

Finally, this year, at last, it looks as if Paul's dream may finally come true. Last month, the Senate unanimously voted in support of legislation that will guarantee equity for mental health insurance coverage.

This will be a victory—if we can get this passed and work with the House and get as strong a bill as possible—for

millions of Americans living with these mental illnesses who have faced unfair discrimination in their access to affordable, appropriate health care and treatment.

For Paul, this was always a matter of civil rights, of justice, and of basic human decency.

Of course, on this issue—as every other issue—Sheila and Paul were together and they moved quickly. Paul and Sheila had so much energy, and they were always on the move. They brought such enthusiasm and joy to their work. They were animated, tireless, and persistent in their fight against injustice.

Sheila Wellstone was a leader in her own right. I had the opportunity to work closely with her when I was the chief prosecutor for Hennepin County. They focused on domestic violence. She was instrumental in creating the Hennepin County Domestic Abuse Service Center, which I supervised during my 8 years as county attorney. That center is a national, an international, model for serving the victims of domestic violence by bringing together a full range of services and resources in one central, convenient location. Victims of domestic violence don't have to go through the redtape that would even be hard for a lawyer to figure out. There is a center where children can come and play, for prosecutors and police, and a shelter, all located under one roof.

Sheila knew the statistics on domestic violence. She knew these kids are six times more likely to commit suicide if they grew up in a home with domestic violence. They are 24 times more likely to commit sexual assaults. They are 60 times more likely to exhibit delinquent behavior. Most chilling of all, little boys who would witness domestic violence are 100 times more likely to become abusers themselves.

Sheila knew these numbers, but even more, she knew the names and the faces of the victims of domestic violence. She knew their children. It made her all the more determined to do something about it because, in America, of all places, kids should be free to grow up with safety and security and peace of mind.

I remember the last time I saw Sheila and Paul. It was a few weeks before the tragic crash. Sheila and I had been asked to speak to a group of new citizens, immigrants from Russia. It was a very small group. There were about 50 people there. We talked about our own immigrant experiences. She talked about her parents and growing up in Appalachia, and I talked about my Slovenian relatives coming over and making their way, saving money in a coffee can in the basement so they could send my dad to college.

We were in the middle of these stories in this very small room. All of a sudden in walked Paul. He wasn't supposed to be there. He had gotten an early flight home from Washington. He

wasn't supposed to be there because he was about a month out on one of the biggest elections for the Senate in the country. He had voted, had taken a brave vote, a courageous vote against the resolution on Iraq. He knew he was up for reelection. He knew it might cost him the election, but he did the right thing.

He came into that room where there was no press, no reporters, and a few weeks before this election. At the time I thought: Why did he do this when he has to be out there campaigning? I knew then that there were two reasons he did it. First is that he loved Sheila and he wanted to surprise her, and he wanted to be there by her side while she gave her speech and gave her remarks. But he was also there because he embraced the immigrant experience. He liked nothing more than talking about how you can come to this country with nothing and pull yourself up by your bootstraps. You can be a guy working 1,500 feet underground in the mines in Ely, MN, and your granddaughter can be a Senator. You can be someone with mental illness, such as Paul's brother, and grow up to get a college degree and be a teacher. You can be a victim of domestic violence and get your life back together and have a home for your kids. That is what Paul and Sheila stood for. That was their legacy.

Today in our State of Minnesota and throughout this country and this Capitol, we think of them and what they stood for, and we pledge to work again to fill their legacy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, it is my understanding we are still in the majority's time period. I ask unanimous consent that it be set aside and reserved and that I be allowed to address the Senate in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS PROCESS

Mr. ISAKSON. Mr. President, I am delighted to come to the floor today. I heard this morning the announcement by the Democratic leader, Mr. REID, that we probably will not bring the remaining five appropriations bills to the floor of the Senate before the year is out. Quite frankly, when the Republicans or Democrats have been in charge lately, it seems we have gotten into this situation going well past the fiscal year without acting on all the appropriations acts.

It seems to me as if, my ninth year in the Congress and my third year in the

Senate, more often than not we end up with minibuses or omnibuses. We roll tremendous appropriations bills one into the other, pass them at the end of the night, and find out weeks later what is in them. That is not good regardless of your party, and it is certainly not good for the United States of America.

I come to the floor this morning to talk about some suggestions that have been made by some very distinguished and learned Members of this body on both sides of the aisle about opening our appropriations process, diagnosing the problems with it, and fixing it statutorily.

I particularly call the attention of the body to Senator DOMENICI from New Mexico, one of the longest serving Members of the Senate. He will be retiring at the end of next year. He has introduced consistently every year a biennial budget. The idea is that we appropriate in 2-year bites rather than a 1-year bite, and we do oversight in the second year.

Think about this for a second. What if the Congress did appropriations bills in odd-numbered years, meaning we spent the money in odd-numbered years and in even-numbered years, the same year we are up for reelection, we do oversight. So all of a sudden our debate and races are not about what we are going to spend but how our money is being spent. That is responsible, it is smart, and it makes sense.

Those who object will jump up and say: Oh, well, then we will just have a lot of emergency appropriations bills. Give me a break. Have you seen how many emergencies we have done in the last 2 years? We have emergencies come up all the time. Of course, you are going to have those. The emergency that exists is not the fear of having an emergency but the fact that once again this year we have gone past the end of the fiscal year, and we are operating under a continuing resolution. The United States has an untold number of issues that must be dealt with, and we are on cruise control in terms of the appropriations of our country. It is not right.

Now, I have voted for some appropriations bills, and I have voted against some appropriations bills. I am glad we have gotten seven done. But we have five out there that all of a sudden are probably going to get rolled in with about three or four others, get vetoed, and then get rolled into an omnibus. We will fly in here in the dead of night, have a document on our desk that is probably as thick as five or six concrete blocks stacked on top of one another, in very fine print, and we will be asked to cast a vote on how we are going to spend the money of the taxpayers of the United States. It is not right.

We need to look at new and creative ways to run the Government of the United States and its fiscal affairs. I commend Senator DOMENICI's appropriations recommendation and the idea

of the biannual budget, and I encourage this body to start looking at a constructive solution like that. Senator VOINOVICH, who ran the State of Ohio—he has been a Governor—and is as sound a fiscal person as you want to find in this Senate, pointed out as well yesterday that the whole situation is just broken. We have entitlements on cruise control, discretionary spending in a continuing resolution, and we in the Congress fight over little tiny parts of the appropriations process when we ought to be considering it in its totality. We should take each of the 12 budget units, bring them to the floor, debate them, pass them, and send them to the President. Do them responsibly, as we are expected to do.

When the announcement was made that we are not going to get to five appropriations bills this year, there was also an announcement that we are going to have an Omnibus appropriations bill. We are going to roll all the bills into one, not debate them, not make decisions based on their soundness, and not even, for most of us, have a say in it; certainly not have a say during prime time or a say on the floor of the Senate.

Mr. President, I come today to talk about responsibility on behalf of our body and responsibility on behalf of the people of the United States, and I urge the majority to join with us to seek out recommendations such as those of Senator DOMENICI, seek out the sound advice of Senator VOINOVICH, and let's get our fiscal affairs in order. If we don't, we are going to waste more and more tax dollars and we are going to have more and more programs that go without oversight and we are going to spend dollar after dollar after dollar on old problems while our new problems and new challenges go unmet. It is not right for me, it is not right for you, Mr. President, and, most importantly, it is not right for the people of the United States.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, how much time remains on our side of the aisle on morning business?

The PRESIDING OFFICER. There are 14½ minutes remaining.

Mr. BROWNBACK. I yield myself such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR PAUL WELLSTONE

Mr. BROWNBACK. Mr. President, I want to speak from the heart on two matters: one on my good friend, Paul

Wellstone, who died in a plane crash 5 years ago. Several speakers have spoken already, very eloquently, about Paul Wellstone, a wonderful man.

He and I disagreed on many issues in this body, and yet we had a wonderful relationship because of the nature of the person he was. He practiced the art of disagreeing without being disagreeable. It is a tough art to do, particularly in legislative bodies it can be very difficult. But he did it, and he did it very well. And he had a number of friends on both sides of the aisle from wide across the political spectrum.

Because of that attitude—and here is something I really want to say to my colleagues—Paul and I could get together on what I deemed to be the most important piece of legislation that I have been a part of here, as far as a primary sponsor, and that is the human trafficking work that he and I started—actually, his wife got him focused on it, and she was killed in the same plane crash—where we started seeing people trafficked into the United States and different places around the world, and we wondered what is going on with this dark underside of the globalization that is taking place. The way they saw it was his wife first started to see Ukrainian women trafficked into Minnesota and showing up at battered women shelters. They had been trafficked into prostitution in the United States and then had shown up at battered women shelters. And they said, how did you get here? Then they started backtracking the trail through gang activities, criminal activities, organized crime activities, that moved them from the Ukraine into the United States, into brothels, and then they were battered.

As they started to piece this together, they were seeing organized crime which now we know is in many cases involved in human trafficking around the world and is the third leading source of income for organized crime now—trafficking. Much of it is women or young girls, in many cases if not most, that they are trafficking and trafficking into prostitution.

Paul's wife first observed this. Paul got involved in it. I got involved in it, seeing it from another angle, and we were able to put together a coalition around that issue of human trafficking at an early phase, before we noticed that much. That included people from across the political spectrum. Paul and myself—he a dedicated liberal, myself a conservative—we had Gloria Steinem and Chuck Colson in this coalition, pushing for a bill against human trafficking, the first legislation we did here on that topic.

Because we were able to work together and reach out across the aisle and disagree about a lot of things but not be disagreeable and find common cause, we were able to deal with something that is a scourge on this planet. As we globalize, walls come down, people are moved, many times illicitly, in many cases brutally, and in a lot of

cases are killed in the process, or seen as disposable people—which is a term of art used by one of the authors, experts on this topic, who has written a book called “Disposable People.” These are people who have been trafficked. Then after they get diseased or run down, they are thrown out on the street as a disposable person. It is a very ugly thing.

Paul, with his heart of gold, saw this. I remember him complaining to me one day as I was coming out on the Senate floor. He came charging up to me and he said: You do this to me.

I said: What?

He was showing me the rankings and he was only the second most liberal in the Senate. In the prior years he was the most liberal. He said: You did that to me. If I hadn't been working with you, I would be the most liberal still. He had that kind of sense of humor about him that he would blame me.

He came up to me one day, where I was talking about life being sacred and precious, and I was saying I believe all life is sacred, it is precious, a child of a loving God, and that includes Paul Wellstone and TED KENNEDY too. He came out and said I like your line on this, even if I don't agree with your position on life. He enjoyed life. He lived it well. I think he has also taught a good lesson for the rest of us about core convictions. There is no problem with having core convictions. It is a good thing to have core convictions and to stand by those. It is also a good thing to recognize when it is that the topics you are talking about are not your core convictions, so you can reach out across the aisle. I think maybe 30 percent of the topics around Washington, maybe more, could be less, are divisive ones, where there are divisions on both sides. But there is 70 percent we can work on. The country is desperate to see us make Washington work, to see us reach across the aisle, to see us make it work on core topics.

JOE BIDEN and I held a press conference in Iowa about a political solution in Iraq, and people were stunned, saying this is what we want to see; we want to see our country work on tough topics. We can do that on issues such as cancer, the war on cancer—there is no division between the parties on that—and reaching across the aisle we can show the American people a government that works. That is something we need to do. That is something I think would be in Paul Wellstone and his wife's legacy.

I remember them today and I hope all of us will remember them in our prayers, about what they gave to us. I often say you can't measure a tree very well until it is on the ground. Unfortunately, that is the case with Paul, a wonderful guy with a wonderful heart. I disagreed with him on a number of political issues, but I loved his style and loved the way he lived life.

SUDAN

Mr. BROWNBACK. Mr. President, I wish to talk about the situation in Sudan. The situation in Darfur has been widely noted and known. It is deteriorating. It is deteriorating slowly. We want to get the factions back together to try to talk about what it is we can do to bring some stability.

Something that is not widely followed right now is the deteriorating situation between the north and south. We have had a long-term peace agreement in place now for a couple of years between the north and south that ended the longest running civil war in Africa. It had been going on for 20 years. Two million people were killed. Now the south has backed away somewhat from the government. The north government is not complying with the peace agreement. I will be bringing out a more full statement to my colleagues. This is very dangerous, as far as the situation that now we could get back into a problem between the north and the south again, and have two fronts going.

In the south, long term, there was a genocide going on there before it took place in Darfur. We have to be vigilant toward the Sudanese Government, which is the problem. This is a genocidal government in Khartoum. We have to get on top of that situation and make sure it doesn't deteriorate between the north along with what is taking place in the west and Darfur. It could well be that Sudan in the future is a country that breaks up into three or four different countries because of the way the Khartoum government is trying to force people into their ideological box. It is a militant Islamist government started by Osama bin Laden, this iteration. It is the problem, but we have to deal with it, where it is in this situation. I don't want us to take our eyes off the ball.

In the south, where there has been a lot of work over a long period of time to get that peace, I hope that we not lose that peace in the overall situation.

Finally, the President of Congo is in Washington now. I met with him yesterday, along with a number of my colleagues. One of the issues I want to bring up here, and I will be developing some legislation, is that a number of radical militant groups are raiding in the eastern part of the Congo. They are dislocating nearly 450,000 people now. In these guerrilla movements, what they do is get control of an area and then they get mineral rights for individuals or to groups to come in and mine things, such as coal. It is a particular metal used in making cell phones. That is how they finance their rebel movement. We saw this in the blood diamond issue in western Africa. What we did then was put a certification process together, that you had to certify that the diamonds came from legitimate means, and that shut the financing down.

My hope is we can do something similar in the Congo, where we can

have a certification on minerals like the coal. And then shut the financing down for these groups that run civilian populations out of an area. I think that is something we can do credibly. Our markets and our economy are our key foreign policy tools. Here is a place where we can use the U.S. market to try to help bring stability to a region that is key for stability throughout Africa. If we get stability in the Congo it might bring stability throughout the region. I hope we can do those things.

I appreciate my colleagues' time and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

REMEMBERING SENATOR PAUL WELLSTONE

Mr. DURBIN. Mr. President, someone asked me once how I would describe my politics. I told them: I believe in the Gospels of Saint Paul, Paul Douglas, Paul Simon. And Paul Wellstone.

They were, in my opinion, three of the best public servants I have known. I had the privilege to know each of them and be inspired by them. Not a week goes by that I do not draw on some lesson or some truth they taught me.

Today, I find myself thinking especially of Paul Wellstone. It was 5 years ago today that Paul and his wife Sheila died in a plane crash in heavy fog in the Iron Range of northern Minnesota. The information reached us in Chicago a few hours later. I was asked to comment on local television station. I am sure that the emotion in my voice betrayed my real feelings about this great man, and Sheila.

Also lost in the crash were Paul and Sheila's daughter Marcia; their friends and campaign workers, Will McLaughlin, Tom Lopic and Mary McEvoy; and the plane's pilots, Richard Conroy and Michael Guess.

To understand who Paul Wellstone was and what he meant to so many people, listen to this story from John Nichols, the Washington correspondent for “The Nation.”

Two hours after the plane crash, he had just finished delivering a keynote speech to about 150 family farm activists in a small town in Wisconsin when the conference organizer whispered the news to him. These were people who knew Paul Wellstone as the college professor who was willing to march with them—and even to be arrested with them—to protest family farm foreclosures. When he was elected to the Senate, they thought of Paul Wellstone as their Senator, whether or not they lived in Minnesota.

When they learned that he had died, John Nichols wrote: “Cries of ‘No!’ and ‘My God! My God!’ filled the room, as grown men felt for tables to keep their balance, husbands and wives hugged one another and everyone began an unsuccessful struggle to choke back tears. The group gathered

in a large circle. People wept in silence until, finally, a woman began to recite the Lord's Prayer for the son of Russian Jewish immigrants who had touched the lives and the hearts of solid Midwestern Catholic and Lutheran farmers who do not think of themselves as having many friends in Congress.

"He was our flagbearer," one woman said. "There are plenty of people in Congress who vote right, but Paul did everything right. We didn't have to ask him, we didn't have to lobby him, he understood. It was like having one of us in Congress."

That was how Paul Wellstone wanted it. He once said: People have to believe you are on their side, that someone in the Senate is listening. If there is someone in Congress, maybe just one person, it gives them a sense that change is possible.

Paul Wellstone was, by some standards, one of the unlikeliest Senators ever. His first election, in 1990, remains one of the great upset victories in Minnesota history. He was a college professor taking on an incumbent Senator. His campaign had very little money.

He bought his first three suits—for \$100 apiece—during that campaign, and crisscrossed Minnesota in an old green school bus that always seemed to be breaking down.

No matter. What he lacked in money and consultants, he more than made up for in ideas and passion and hustle. "Politics," he said, "is what we create by what we do, what we hope for, and what we dare to imagine."

Minnesotans believed him, and sent him to the U.S. Senate—the only challenger to defeat an incumbent Senator that year.

Even with his new suits, Paul Wellstone stood out in the Senate. During his first weeks here, one reporter wrote that he "projects an image of barely in-control energy and enthusiasm." Another reporter described how "he has a habit of going pie-eyed with excitement and pumping the air with his hands."

I remember him in the back row here. He used to like to get a long cord on his microphone and range all over that area, just walking and talking and waving his arms with that kind of stumbling gait that was part of the back injury that had haunted him most of his adult life. When he got going, people were listening, always.

When Paul Wellstone was in junior high, his mother—a Ukrainian immigrant—worked in the cafeteria of his school—a fact that embarrassed her son greatly. Later in life, whenever he visited a school, he always introduced himself to the cafeteria workers.

He did the same thing in the Senate. He seemed to know every security guard, kitchen worker, and elevator operator in this Capitol Building by name.

But this is what was different about Paul Wellstone: He didn't just talk to cafeteria workers; he voted as a Sen-

ator with them in mind. As he said, "Some people are here to fight for the Rockefellers. I'm here to fight for the little fellers." I am sure Jay Rockefeller didn't take offense.

Paul Wellstone fought for family farmers on the edge of foreclosure, for workers facing layoffs, for older people trying to decide which prescription to fill this month. He and Sheila—his indispensable partner for 39 years—fought for women and children threatened by violence.

He fought for teachers and coal miners. For veterans. For people suffering the sting of discrimination and denial because of race, gender, sexual orientation, or physical or mental disability.

He fought for immigrant parents who work at less-than-minimum-wage jobs. He listened to them, and looked them in the eye. And when he did, he used to say, he saw his own parents.

He fought for "good education, good health care, and good jobs." He demanded fairness for those to whom life had been unfair. He gave people hope and courage.

It didn't matter to him if he was on the wrong end of a 99-to-1 vote. He voted his conscience. I was in the Senate one day when we had a vote on a defense-related issue. I had decided that I was going to vote against an amendment about to be called by one of the Senators on the other side of the aisle. As is custom in the Senate, they roll through the rollcall and recount who voted how. When they listed the names in the negative, mine was the only name they mentioned and I realized I was by myself, and I said, "Where's Wellstone?" And darned if he didn't walk through the door and vote "no" with me. That's the kind of person he was. He wasn't afraid to be the only one or the only one of two Senators voting on an issue.

Now, Paul Wellstone was a wrestler not just with issues but literally—he was a champion wrestler in high school. In the Senate—even with that bad back and hobbled by M.S.—he remained incredibly strong. He held the push-up record at the Capitol police gym: 91 in 1 minute. But it was his strength of character, even more than his strength of body, that was truly extraordinary.

I remember the night the Senate voted on the Iraq war resolution. Mr. President, there were 23 of us who voted against the Iraq war resolution. Three of us remained on the floor afterwards—three of us who had voted no. The Chamber was clear; it was late at night. I recall walking up to Paul Wellstone, who was in a tight election contest back in Minnesota, and saying to him: Paul, I hope this doesn't cost you the election. And he said to me: It's OK if it does. This is what I believe and this is who I am. The people of Minnesota would not expect anything less.

That was it. A handful of words, summarizing who he was and what he believed in and what he thought politics

was all about. That was the last conversation that I had with Paul Wellstone before he lost his life in that plane crash 5 years ago today.

Much was lost in that crash. But much survives. To keep their parents' work alive, Paul and Sheila's sons, Mark and David, have started a progressive advocacy organization called Wellstone Action. Perfect. In the last 4 years, more than 14,300 people have attended "Camp Wellstone" workshops in nearly every state, where they have learned to how to make politics relevant and effective. And here I am going to give a plug: if you want to know more about their good work, go to their Web site: www.wellstone.org. Take a look.

The Senate is fortunate to still have the service of talented, passionate men and women who learned from Paul Wellstone himself. I count myself lucky as one of those lucky ones.

One thing I will close with: One of Paul Wellstone's real passions was this issue of discrimination against the mentally ill. It touched his life and his family and he knew it personally and was determined to make sure those suffering from mental illness had a fair shake for health insurance and medical services. He did not get the job done by the time he left us in the Senate, but that battle was carried on valiantly by Senator TED KENNEDY and Senator PETE DOMENICI, who passed the legislation. I hope that the House will pass a similar bill soon so we can honor Paul Wellstone and do something important.

Paul Wellstone was full of hope. A reporter who knew him well recalled a conversation they had after the 1994 elections, when Democrats lost control of both Houses of Congress for the first time in decades.

This is what he wrote:

Wellstone was upset but not down. "We don't have time for despair," he said. "The fight doesn't change. It just gets harder. But it's the same fight."

I wish Paul Wellstone were here today. Of all of the thousands of men and women I have served with in the House and Senate he and Congressman Mike Synar of Oklahoma are two that I always wish were around for a phone call, for a word of advice—just to sit with for a few moments and hear their brand of politics.

If Paul Wellstone were here today I know what he would tell us: Don't give up. Don't despair. There are so many people counting on you. You've got to keep fighting. So let's do more than just honor and miss our friend today. Let's vow to stick together, pick up the fallen standard and continue his work.

Mr. COLEMAN. Mr. President, I want to rise to take the floor for a few moments to reflect and to pause to think about the life and legacy of former Senator Paul Wellstone and his wife Sheila.

It was 5 years ago today that we suffered the terrible tragedy of Senator Wellstone's death, tragedy for my State, for the entire Nation.

Senator Wellstone and I had been engaged in a very hard-fought and vigorous election contest. We were about 10 days from the election. I think everybody in our State reflects on where they were at the moment they heard the news. We were both, Senator Wellstone and myself, on the way to a debate in Duluth, MN. I was up in Grand Rapids flying in on a King Air plane, the same type of plane Senator Wellstone was flying when it went down and caused his death and the death of his wife Sheila, their daughter Marcia, and five others.

We were about to get in our plane, probably about 25 miles, somewhere in the same area as the Senator. We heard the news with a great sense of disbelief, we knelt down and said our prayers for the Senator, for his wife, for the others who died.

The news was met by disbelief, shock, and sadness. In the hours that followed, it was as if the entire State of Minnesota had stopped. For so many Minnesotans, regardless of where you stood politically or whether you agreed with Senator Wellstone's politics, you admired him and his unwavering commitment to the things he cared about most. He was so passionate about what he believed.

That admiration is evidenced in folks such as Mary Oberg, who lives not far from me in St. Paul. I was looking at a piece on Public Radio today. She was not far from being in St. Paul. In a news story I read, she said she did not necessarily support all of Paul's views, but she liked the fact that there is still a memorial bench in her neighborhood, in my neighborhood, that honors Senator Wellstone to this day.

It shows respect, Mary said. And that is what is lacking in the world today, is a lack of respect for others. This is a magnificent institution. I see my colleague from West Virginia is here. He has been here a long time, has a great sense of history—I try to visit with him as often as I can—a great sense of collegiality.

In a world that has become so divisive and so partisan, so angry, whether in this Chamber or in the House Chamber, Senator Wellstone reflected in the passion for his belief that politics was not a death sport, it was something which you could agree to disagree and still shake a hand and ask: How are you doing? And move on. The kind of respect that Mary Oberg reflected on was that hallmark of Senator Wellstone himself.

His passion, enthusiasm, and energy for public service is something that inspires me, as it inspired so many folks that have followed his footsteps into public service. Nowhere was that passion more clear than in his unyielding support for those individuals who suffered the ravages of mental illness. Since he arrived in the Senate, he worked day in and day out to pass mental health parity legislation; put an end to the discrimination against people with mental illness and chemical addiction.

Paul was also willing to put aside politics on this important issue. He worked hand in hand with another champion for mental health issues, Senator PETE DOMENICI, another individual who has been around here for many years and was and is so passionate about that issue.

Working together, Senators DOMENICI and Wellstone helped millions of Americans overcome the stigma surrounding mental health disorders. Millions of Americans were able to seek treatment and gain hope through their powerful commitment to this issue.

I cannot imagine a better way to honor Paul's legacy than sending a strong mental health parity bill to the President of the United States and have him sign it into law.

I also want to comment about a unique living memorial to the Wellstones, and that is the Paul and Sheila Wellstone Center for Community which opened its doors a year ago. It is truly a Paul and Sheila Wellstone kind of place. It stands literally where the East meets the West. Since Paul came from the East, as I did, he probably felt very much at home in our ethnic neighborhoods, filled with middle-class working families.

It was constructed, in large measure, with \$10 million generously provided by this Chamber. The Paul and Sheila Wellstone Center is a 100,000 square foot facility with meeting places for a variety of cultural, social, and civic activities for people of all backgrounds. It also serves as an education and training center.

The west side is kind of like our Ellis Island. It is the place where, in the Midwest, immigrant groups came in in the old days. It was the Jews and Lebanese; today it is the Hmong and the Somalis.

A community center is a poor substitute for the real thing, Paul and Sheila themselves, but it is worth doing, providing a safe place where kids can learn and play, families can receive training and support, community members can be organized to fight injustice and partake in the American dream.

These and so many other issues that Paul cared about transcended partisan politics and ideology. The greatest legacy to Senator Wellstone is to stay rooted in his belief that Government has an obligation to do what it can do, which is to help those who need help the most.

Five years later, I certainly have a greater understanding and appreciation for the challenges that Senator Wellstone faced and others that came before him of serving in a Congress that is too often governed by partisanship rather than a culture and a commitment to getting things done.

I have made a commitment to follow in that tradition of working hard and being a vocal advocate for our great State. This anniversary should be an occasion to celebrate the Wellstones' lives and to remember the commit-

ment Paul and his family made and continue to make using public service to improve the lives of all people.

On this anniversary of their death, I hope everyone can continue to hold Paul, Sheila, their family, and the others who died in their terrible crash, hold them close in your hearts, hold them in your prayers, as my family and I will.

Mr. BAUCUS. Mr. President, it is hard to believe that it was 5 years ago today we lost our dear friend and colleague—Paul Wellstone.

On a cold Minnesota morning, his life, along with his wife, daughter, three staff members, and two pilots, was cut tragically short. It was a day that is burned into our memories, a day we will never forget.

Paul was a good man. He was a man who truly loved being a Senator. It wasn't the power and prestige that he loved, it was his ability to serve the people, to help those in need—especially those who otherwise wouldn't have had a voice.

He was a fighter. He fought for the underprivileged. For the downtrodden. For those who otherwise had been forgotten. He fought for the underdog—the little guy. And most of all he fought for what he believed in to be right and true.

Paul loved life and lived each day to the fullest. He always had a kind word and a smile to whom ever he came across. And he came to work determined to make our country and world a better place.

The Senate has changed a lot since Paul's death. The halls are a little quieter. There is a little less fire and brimstone on the Senate floor. Paul was known for going to the floor and giving an impassioned speech about how we had to provide better health care coverage for the mentally ill, assistance for domestic violence victims, better benefits for our veterans, or education for our children.

While Paul was a hard-working, dedicated public servant, he was also a family man who loved his wife, children, and grandchildren very much. His best friend and companion in his life was his wife Sheila. She inspired him, was his constant companion, and she calmed him. Their love was one of a kind. In many ways it is fitting they left this Earth together.

While Paul is not here, his spirit lives on. He inspired all of us to be better people. And his memory lives on. Paul's work is continued through his two sons Mark and David, Wellstone Action, and through his staff—many of whom can still be seen in the halls today.

Like many of my colleagues in Congress, I miss my Paul. So let us remember him today and honor all of the work he did to make this country a better place for all of us.

Mr. KERRY. Mr. President, it is hard to believe that today marks 5 years since an extraordinarily frigid and raining, tough day in October when we

were stunned to hear the reports of the missing plane and then reports that it carried our friend, Senator Wellstone, his wife Sheila, and his daughter Marcia. I had just been with him in Minnesota hours earlier where his wife and he campaigned.

It was one of the moments you never forget. I remember feeling the awful, vivid contrasts of a world transformed. October 25, our friend and colleague was gone—but October 24 he had been right there with us full of life. I was in the Twin Cities at Sam Kaplan's house at a Wellstone campaign event with Paul's wife, Sheila. Paul was campaigning on the other side of the State, but he called into the event, and I will never forget what it was like to hear that voice over the speaker phone—loud, clear, strong—Paul Wellstone, that voice full of passion and commitment.

It was a sad and sickening feeling to hear the next day that both of them were gone.

In the last 5 years, I can't tell you how many times how many of us, in tough fights and lonely stands, have wished we had Paul Wellstone in our corner here on the floor of the Senate.

Paul and Sheila Wellstone were an extraordinary couple. They were the best people in politics and in life—the most caring, the most giving, the most sincere and genuine people I have ever met or will ever meet.

Paul was the Pied Piper of modern politics—so many people heard him and wanted to follow him in his fight. Joyful, ruffled, the genuine article—we all admired Paul for his energy and his independence, his spirit and his zest for making people's lives better and inspiring others to do the same.

It is impossible to measure the number of lives Paul touched. So many people who never even knew him are better off because of him. When I ran for President in 2004, at rope lines around the country, people would come up to me after rallies—people in wheelchairs, people with cancer, veterans, senior citizens, farmers—and they would place in my palm that familiar, cherished Wellstone button, or one of those green ribbons lovingly created after Paul passed away. These were talismans. Words didn't need to be spoken—you could see it in their eyes, you could see how much he meant—even 2 years later, he was still their champion, he was still their voice.

Right in front of my eyes, in their faces, I could see the legacy of a man who lived Hubert Humphrey's credo: "The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped." Paul's politics was a moral politics.

To all the people who worked for him, who loved him, he was never Senator Wellstone, or "the Senator"—he was just Paul, and Paul Wellstone

wouldn't have had it any other way. He was the champion in the Senate for issues that some people didn't think were politically popular—the Hmong in Minnesota, Native Americans on the reservations, the poor, children, stopping drilling in the Arctic National Wildlife Reserve thousands of miles from his home. I still remember after our victory on that filibuster, the image of Paul walking into the rally—limping—his back hurting from a condition that caused him pain right to the end, absolutely unbowed, the look on his face was pure joy—the exuberance of having succeeded at doing something because it was the right thing to do.

He understood that values had to be not just spoken but actually lived. As he said: Politics is what we do. Politics is what we do, politics is what we create, by what we work for, by what we hope for and what we dare to imagine.

I will never forget, 3 years ago, standing next to Bruce Springsteen, at rallies of 50,000, 60,000, 80,000 people—in Madison, WI, and Cleveland, OH—people standing in the chill and the rain and the wind—people who were there because, just like Paul, they loved their country so much they wanted to change it—and I still remember the response—the tears and the joy and, above all, the hope—when Bruce Springsteen would quote words from Paul that ought to ring true for all of us:

The future will not belong to those who sit on the sidelines. The future will not belong to the cynics. The future belongs to those who believe in the beauty of their dreams.

Paul and Sheila Wellstone aren't here with us in Washington, but they continue to remind us what we can have if we believe once again in our highest hopes and our strongest ideals. They continue to remind us of what is important—and what is worth fighting for.

I want to say for the record today that Paul Wellstone and his politics are much missed.

Mr. REED. Mr. President, 5 years ago today, Senator Paul Wellstone, his wife Sheila, his daughter Marcia, and three of his staff perished in a plane crash.

This was a tragic loss to the Wellstone family, including his two surviving sons, David and Mark, his State, our Nation, and this body.

His passion, energy, and commitment on behalf of the "little guys"—all those without a voice, including children, the poor, the homeless, victims of domestic violence, the mentally ill—serves as an example to us all.

He was a champion for all those who needed one, and for doing what is right. This was well-illustrated in his unwavering devotion to the fight for mental health parity, robust education funding, and affordable housing.

Senator Wellstone worked tirelessly to achieve fairness in the treatment of mental illness. On September 18, the Senate unanimously passed mental

health parity. In the other body, the Paul Wellstone Mental Health and Addiction Equity Act recently moved through committee.

We must continue the fight toward final passage of mental health parity. I look forward to that day, which will be a historic achievement, and an enduring memorial to the life of this great man.

I was honored to serve with Senator Wellstone for over 4 years on the Health, Education, Labor, and Pensions Committee. He was a consistent and powerful advocate for increased education funding and ensuring our children possess the necessary skills and tools to compete in an ever-expanding global economy.

During the debates on the No Child Left Behind Act in 2001, he would say, "We cannot realize the goal of leaving no child behind on a tin cup budget." Unfortunately, today we are still struggling to provide more than that "tin cup" budget as the President has cumulatively underfunded title I of the No Child Left Behind Act, the Federal Government's most significant commitment to K-12 education, by over \$43 billion since its enactment. As such, his words seem more appropriate than ever.

Senator Wellstone worked on a multitude of issues, but I want to touch on just one other today, and that is affordable housing. At Senator Wellstone's suggestion, on April 15, 2002, I flew out to Minnesota to hold a Banking Committee Subcommittee on Housing and Transportation field hearing on "Affordable Housing and Working Families."

At the time, Minnesota had one of the Nation's highest rates of homeownership, yet one of the worst affordable rental housing shortages in the country. It was our hope that we could learn more about the affordable housing crisis impacting working families, and how government could best work with the private sector to address the problem.

Paul's passion for this issue and his special connection to his constituents was apparent throughout this hearing. He was intent on figuring out what obstacles stood in the way of creating more affordable housing, and what the Federal Government could do to help. Paul believed in democracy with a small "d," and he allowed anyone in the audience who had something to say to come up to the microphone and tell the U.S. Senate what it might do to help.

Paul's untimely death was a huge blow to many of us. He inspired us every day to focus on those who were less fortunate, and that legacy must continue to live on.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. CLINTON. Mr. President, today, as we mark the fifth anniversary of the death of Senator Paul Wellstone, I am reminded of what Herbert Humphrey—

another great Minnesotan that served in the Senate—once said:

The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.

This quote always reminds me of the way Paul lived his life and the legacy he has left behind.

Five years ago on this day, we lost a colleague, a progressive advocate, and a Senator who devoted every fiber of his being to building a better, fairer America. Many of us also lost a close friend who we admired and looked to for advice and support. Paul always stood up for what he believed in and gave a voice to those who were not given a seat at the table. He was the People's Senator through and through.

In the Senate, Paul championed mental health parity legislation to help end discrimination against people living with mental illness. It was a personal struggle for him, as he came to understand the issue through the experiences of his brother. I had the privilege of working with Paul as First Lady and as a member of the Senate's Heath, Education, Labor, and Pensions committee, where no issue was too difficult or challenging, large or small, for Paul to tackle if he thought it would make a positive difference in someone's life.

I remember when I heard that the plane carrying Paul, his wife Sheila, their daughter Marcia, and three of his campaign aides had crashed. Many of us did not want to believe it. No longer would our friend and Senator—indefatigable—come bursting through the doors of the Senate floor, ready to speak out, ready to right a wrong, or address a problem that had to be solved. No longer would Sheila, a dynamic presence in her own right, travel across Minnesota and the country and spread the word about domestic violence and so many other worthy causes.

To ensure that their legacy lived on, more than three years ago, an organization called Wellstone Action was established to honor both Paul and his wife Sheila. Through hard work and dedication, Wellstone Action has been able to grow tremendously and preserve the Wellstone way for future generations.

We have a duty in the Senate to never let Paul's legacy fade. I said it 5 years ago and today I reiterate it again, we must work towards the goals and ideals Paul fought for day in and day out: to strengthen our education system, our health care system, our economy, civil and human rights, our Nation. We still feel in our hearts and in our lives this grievous, tragic loss. Today, we not only look back on the life of a Senator who stood up for what he believed in, we look forward to carrying on what he taught us.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. DODD. Mr. President, I rise to honor the life of one of the finest men I have known in this body: Senator Paul Wellstone of Minnesota. Paul—along with his wife Sheila and his daughter Marcia; his staff members Will McLaughlin, Tom Lapic, and Mary McEvoy; and pilots Richard Conry and Michael Guess—died in a plane crash 5 years ago to the day. Five years, half a decade already: The time has passed so quickly that it comes as a shock to stop and recall just how long Paul has been gone. In marking his death, we remember that the years are passing just as fast for each of us, and that they can take us, as they took our friend Paul, when we are least ready to go. What a privilege we have to serve here—what a short time we are given! Paul's death and Paul's life remind us to fill that short time with all the best we can bring. Paul Wellstone did: He lived just 58 years, and yet it seems that in that time, he lived enough to fill two or three or four lives.

Paul was a champion wrestler who became a champion scholar; a tireless activist and organizer who became a beloved professor; everywhere and always a fighter, full of energy and zeal and real love for the people he spoke for in this Chamber. He was, in the proud tradition of his State, one of the happiest warriors I have ever known. He was an intellectual, a Ph.D., but never abstract; all the theories in the world meant nothing to Paul if they couldn't lift up the single mother struggling to support a family or the torture victim seeking refuge in America or the sufferer of mental illness marked with an unjust stigma.

Paul suffered with each of them. In fact, the pain that Paul felt in his life—the ache of his multiple sclerosis, the challenges of growing up the son of immigrants, the pain of his brother's mental illness—became his most powerful political weapon. Pain cuts some of us off, but not Paul Wellstone: He found the greatest salve in reaching out, in traveling up and down Minnesota in the dead of winter in his rickety green campaign bus; in taking time to thank the cooks, waiters, and janitors who served at so many of Paul's events; in stretching out an appearance to two or three times its planned length because he was so caught up in a conversation, until his staff were forced to grab him by the arm and literally drag him out of the room.

He was given 12 years to make his mark in the Senate. And in that time, he helped ensure that toddlers all through this country would have a head start in life. He ensured that his State would be a refuge for victims of torture who came here from the dungeons of Central America or Asia. He fought hard against sex trafficking and against domestic violence with Sheila Wellstone, herself a leading advocate for battered women. He helped make sure that families stayed warm in the winter, because the government gave them the heating assistance they need-

ed. And inspired by the struggles of his brother, he struggled to end the discrimination against the mentally ill by insurers. In that last cause, I was particularly proud to stand beside Paul; and finally enacting mental health parity legislation would be a fitting honor to his memory.

Paul did so much more than ever could be expected with the short time he was given; he was driven by an untiring spirit. But he also understood that legislation, as much good as it has the power to do, is something of a symptom, an outward phenomenon; the deeper causes of what we accomplish in this Chamber are the movements and forces that put us in office, that make one cause prosper and another weaken—Paul's ear was to the ground and his eyes were on the roots. He was a Senator-organizer: and as much energy as he put into legislating, he put more into building a movement that would outlast him.

So I wish that Paul were still at his desk in this room today; maybe grayer and a little more stooped, but still giving his all to the fight to end a misguided war, one he opposed since the outset, or pouring out all his passion against torture and lawlessness in our own government. I wish we still had his voice.

But on another level, I know that it doesn't matter. The activists and candidates and grassroots organizers trained by Wellstone Action, a non-profit set up in Paul's name, still memorize a phrase he used to remind us all that politics is first and foremost about those we serve: "It's not about me, it's not about me, it's not about me." Paul knew that the name at the top of the bill, the politician at the top of a ballot, the voice speaking the words matters little. The citizens whom we serve are the ones who matter most, and Paul's commitment was, first and foremost, to those of our citizens whose lives are spent at the margins of our society.

"Some people," Paul's home newspaper wrote today, "live lives so large that they never really die." It was true of Paul Wellstone, and his wife Sheila, and his daughter Marcia. May we live in their example, so that those words will one day be true of each of us.●

Mr. DORGAN. Mr. President, 5 years ago today, our colleague Paul Wellstone and his wife Sheila Wellstone were killed in a plane crash in northern Minnesota. It hardly seems like 5 years.

I remember that morning I was on the road driving in a van to Grand Forks, ND, going to a meeting when I received a call that an airplane had gone down in northern Minnesota and it was the plane that Paul and his wife Sheila and some staff were on. They feared that the crash had taken their lives.

I was thinking as I was coming over here today that the day Paul and Sheila were killed was very much like today—a gray day with rain and moisture. Paul and his wife were on a plane

flying to a funeral in northern Minnesota. They lost their lives. They were in the final stages of a very aggressive Senate campaign, one I believe Paul would have won. I believe he would have retained his seat in the Senate. He cared deeply about his opportunities, his privilege, and his obligation as a Senator.

A couple weeks ago, I was on the campus of the University of North Carolina at Chapel Hill, and I was walking across the commons of the campus and looked to my left and I saw a small memorial garden to Paul and Sheila Wellstone. I didn't know it, but I asked someone why that garden existed on the campus of the University of North Carolina. They said because it was where Paul Wellstone earned his PhD, where Paul Wellstone had been a college wrestler and, I believe, a college champion wrestler. I had not known that previously. Nonetheless, there is a tribute to Paul and Sheila Wellstone on the campus of the University of North Carolina at Chapel Hill.

Last week, I was visited in my office by about eight people to present me with a framed plaque of sorts because of Paul Wellstone. I was thinking of that as I came to the floor as well. This was a group of people who represented the major automobile industry in this country, the large auto producers, and the independent shops around the country that do automobile repair. I had nearly forgotten about what had gone on as a result of this, but they asked to come and see me and they came in and said: You and Senator Paul Wellstone 6 years ago did something that made a big difference, and we wanted to recognize that work. I said: I am happy about that, but let me make sure you recognize and let me accept it for Paul Wellstone in his memory.

Paul sat in that desk right back there on the end. It was on the floor of the Senate that he came to me breathless—and he was usually breathless because he had so much energy and passion about things—and he said: I went to an automobile repair shop in Minnesota, a small family-owned auto repair shop. They told me they cannot get the codes for the new automobiles in order to be able to repair them because the automobile manufacturers have these codes in their computers and they won't provide them to the independent auto repair shops, which means when you buy a car at a dealership, you have to go back to the dealership to get it fixed. In order to get a diagnostic, you have to have the codes and they won't give the independents these codes.

He said: BYRON, that is an outrage. I want you to hold a hearing on that.

I chaired the appropriate subcommittee in the Commerce Committee, and I said I would be glad to do that. Why don't you come and be a part of the hearing and sit on the dais. He was not on the Commerce Committee. I invited him to make a statement and

ask questions. So we held a hearing in the Commerce Committee. The room was full of people representing the independent auto repair shops around the country. We had a lot of them travel to Washington, DC.

There was testimony by the automobile manufacturers and the folks running these little auto repair shops around the country. They had a big disagreement. I felt and Paul felt it was unfair to the independent auto repair dealers, the small shops, not to be able to get the codes so they could fix these automobiles that were in disrepair.

I remember Paul's statement at the hearing sticking up for the little guy, saying these folks running these automobile independent repair stations should not be disadvantaged like this; they ought to have an opportunity to do this as well.

As a result of that hearing, the automobile manufacturers and the independent repair shops decided they would work together and find a way to solve the problem. Last week, a group of them came to my office and presented me with something that said what you and Senator Wellstone did required us to sit down and negotiate, and we negotiated and solved the problem, and now we provide the codes to the independent auto repair shops. The folks from the independent shops were there and said we now have a good relationship with the auto manufacturers.

That issue got solved because Paul Wellstone was standing up for the little guy. He went to a repair shop in Minnesota and found out the independent owner of that shop was not being treated fairly, in his mind, and in my judgment. So he brought it to the Congress. We got together and held a hearing, and the result is this was solved. It was negotiated in a way that was good for the consumer, good for the folks who owned the automobile repair businesses and, frankly, good for the automobile manufacturers. They have admitted that as well. I thank all of them for negotiating that in the right way.

Mostly, I thank Paul Wellstone for the energy he had in the Senate to always stand up for the little guy. The interesting thing about Senator Wellstone, however, is that as he stood over by that back seat over there, on every single issue Paul Wellstone stood up and wanted to know how it would affect kids—especially poor children in this country, many of whom feel hopeless and helpless, many of whom feel they do not have the same opportunities. He was unrelenting in trying to make certain we pass legislation that gave America's kids a good opportunity to be successful.

The other issue for which all of us remember Paul Wellstone—and my colleague, Senator DOMENICI, surely will because he was Senator DOMENICI's partner—is parity for mental health care because mental health care has not been treated the same way in most insurance policies, and still is not in many insurance policies, as other

health care one might get. If one breaks an arm or a leg or has a disease, one gets health care treatment, and it gets covered by their insurance policy. But mental health has been treated differently.

Paul devoted much of his time in the Senate saying we ought to be fair and have parity as to how mental health is treated in health insurance policies in this country.

I came to the floor to observe, as others have today, that it is 5 years to the day we lost a good friend. He was one of those who said: Here is what I am; here is who I am. I am not trimming my sails to make things sound better for anybody. I am just going to fight as hard as I can fight for issues I care about and issues I believe are right for Minnesota and our country. I have always admired that spirit.

Those of us who were privileged to be Paul's friend also know Paul Wellstone was a team. It was Paul and Sheila Wellstone. Most of us in the Senate who had the privilege of serving with Paul and knowing Sheila and Paul as a team continue to miss them a great deal.

I wanted simply today to celebrate the memory of Paul Wellstone and Sheila Wellstone and talk about the contributions they made in this country and the contributions through public service to their country.

Mr. SANDERS. Mr. President, this is the fifth anniversary of the death of Paul and Sheila Wellstone. I wished to say a few words on that. I was a friend of Paul's when I was in the House, and on some of the important social and economic issues that I worked on there, he was the person to whom I went, to work with a Member of the Senate.

I think history will remember Paul Wellstone as one of the great Senators of our time, not just because of his accomplishments but, more importantly, because of the extraordinary vision that he had.

Paul believed very much that we could create a very different kind of world than the world that we are living in right now. He was prepared and did stand up day after day on the floor of this Senate, taking on virtually every powerful special interest that exploited working people and low-income people and who led us to wars we should not be fighting.

He was a man who believed passionately in a world of peace, in a world of economic and social justice. That vision he brought forth is the vision I hope nobody in the Senate, nobody in this country, ever forgets.

One of the major characteristics of Paul Wellstone is he understood that the way we succeed politically is not simply by going out to the wealthy and the powerful begging for more and more campaign contributions, which is what happens so often. He understood that the way to win elections is by rallying ordinary people at the grassroots level, and perhaps it is that achievement, from a political perspective, for

which he will most be remembered. I know in Minnesota he organized at the grassroots and brought thousands and thousands of people who had not been involved in the political process together to stand up under a progressive program for economic justice and a world of peace. He understood profoundly something many here do not address: Real change takes place from the bottom, not from the top, and when millions of people stand up and say it is imperative that we have economic justice, that we have a livable wage, that we have a health care program which guarantees health care to all of our people, that we protect our environment, when that comes from the grassroots, then we will succeed. He was a tireless advocate of grassroots politics.

As someone who worked with Paul, who was very fond of both him and Sheila, the vision they brought forth is something for which I will do my best to continue advocating. His loss was a loss for the working people, for the vast majority of the people of this country, and for the Senate.

I will not forget what Paul Wellstone stood for.

Mrs. MURRAY. Mr. President, I come to the floor to pay special tribute to a very special individual who is no longer with us in the Senate. He was a friend to me, a tremendous U.S. Senator, and he was an advocate for thousands and thousands of human beings across this country who may never have met him but for whom he spoke so eloquently. That was Senator Paul Wellstone.

Five years ago today, we lost that friend, that Senator, that passionate advocate. Still every day I come to this floor, I can see him here, raising his voice, throwing his arms out, speaking to everyone as if they were right in front of him about the issues he cared about.

Every one of us has special memories of Senator Wellstone, whether it was his speeches on the floor of the Senate as he wandered back and forth and put his tremendous voice to such great use. For me personally, it was listening to him talk about the issue of mental health. It was standing beside him when he introduced the bill to ban asbestos 6 years ago. We looked around, and we were a pretty lonely crowd trying to make that happen. I know he would be so proud, wherever he is up there today, looking down and knowing that this Senate 6 years later passed a ban on asbestos.

It was such issues as the war where Senator Wellstone, even though he was in a very tight election race at the time, stood his ground and said what he felt so strongly, that he could not vote for this country to go to war in Iraq. He feared no one in making that decision, even with the election he was facing.

He was a friend and partner, someone I knew so well. My best memory of him was going to his State. He invited me there, as we all do with our other col-

leagues when we are out campaigning and ask them to help us. Senator Wellstone didn't ask me to come and do a fundraiser for him. He didn't ask me to do a speech to some dignified crowd in some ballroom. He didn't ask me to come and wear a suit. He asked me to come to his State the week before his election and do what he called "a people raiser." He did it in a gymnasium. He invited people to come and donate their time because of what he cared about, the issue he fought for, to bring people into politics. He did it that day in such a tremendous way. All of us who knew him knew he was never comfortable talking to a crowd that was sitting down. He had to inspire them and have them all standing in front of him and applauding. He did it every time he spoke.

I miss him so much in the Senate. It is hard to believe it was 5 years ago that we lost such a tremendous advocate. I think he would be proud of the legacy he left in his own family, in the issues he left for many of us, and the passion as we move forward. I know if he were here today he would be saying: Don't talk about me. He would be in a back room someplace making sure we never forgot the people who sent us here and the tremendous issues they face at home. He would be inspiring somebody to stand up and speak out.

I hope we continue to do that in his memory for many years to come.

Mr. LAUTENBERG. Mr. President, for those who served with him, the death of Paul Wellstone 5 years ago was such a shock because not only did Paul represent intellect and vigor, he also, because of his enthusiasm and high energy level, represented a youthful picture. He looked like a young guy, college-age person. When he spoke, he did it with such energy that everybody would hear him or listen to him. If you didn't hear him, he would make sure you heard him because he was never bashful about sticking up, about talking about things he believed in. There was very little he did not believe in that would engage him so—I will use the term—furiously in his presentation.

So it is appropriate we remember a distinguished Member of the Senate, who served only a short time, and was on his way for another term. But his impact was enormous. I think in many ways he created a picture of courage and right that serves as a model for things we generally do here.

I, as so many here did, regarded him as a friend. I did not see him unable to talk to people on the Republican side of the aisle or otherwise. No matter how vigorous his arguments were, no matter how energetic his presentation was, the fact is, he would dismiss any difference as a part of a normal process. He would continue on with his insistence that what he did was right, but he was never righteous about it.

We will always think of him when we think of what is right to do in the Senate.

Mr. BYRD. Mr. President, 5 years ago today, our country lost a good man. Now, I am mindful of what the Scriptures say in that there is no man who is good. I am mindful of that. But this is a statement I am making, and in the context of the thoughts I wish to express, I am going to say: Five years ago today, our country lost a good man. It lost an outstanding Senator. It was 5 years ago today that Senator Paul Wellstone and his wife Sheila and their daughter Marcia perished in a tragic plane crash.

Paul Wellstone died tragically, but he lived heroically. Paul Wellstone was unique. I knew him. Paul Wellstone was priceless. Paul Wellstone was irreplaceable. Paul Wellstone was a Senator of remarkable integrity and remarkable courage.

Only a few days before his tragic death, I witnessed firsthand the integrity and the courage of that Senator, Mr. Paul Wellstone.

Paul Wellstone was in the late stages of a close campaign for reelection. Paul Wellstone had been targeted for defeat by the George Bush-Karl Rove political machine. And this Senate was about to vote on the Iraq war resolution. I was here.

At that time, granting President Bush the authority for an invasion of Iraq was the political thing to do. The White House had convinced most of the country that Iraq possessed weapons of mass destruction and that Saddam Hussein was poised to use those weapons.

Many Americans had been frightened by a steady drumbeat of White House rhetoric about mushroom clouds and weapons of mass destruction. Many Americans had been convinced that the war would be brief and that our troops in Iraq would be welcomed with open arms.

Despite the then-prevailing view that voting against the Iraq war was political suicide, Senator Paul Wellstone—God rest his soul—Senator Paul Wellstone proudly and defiantly—do you hear that word “defiantly”—announced he would vote against it. I will never forget his words.

Seldom have I been so impressed with the courage of a colleague. Senator Paul Wellstone took a principled stand, a stand that would undoubtedly cost him votes, and maybe his reelection.

Did Paul Wellstone flinch? No. He did not let that sway him. He stood against the White House. Paul Wellstone stood against the easy, popular winds of the time. Paul Wellstone stood against the rush to war.

Senator Paul Wellstone placed the good of our country and the lives of young Americans far above his own reelection. That was Paul Wellstone.

We needed more Senators like Paul Wellstone.

Paul Wellstone exemplified the courage of his convictions. Senator Paul Wellstone stood proudly against the rush—the rush—to war. Senator Paul

Wellstone was brave. He was passionate. He was ever true to his conscience and to the people he represented. Despite the pain and the difficulty of multiple sclerosis, Paul Wellstone carried on and made us all feel humbled and proud by his bravery.

When the Senate lost Senator Paul Wellstone 5 years ago today, the Senate and the country lost a man of remarkable integrity. How I wish our country had more men like him—Paul Wellstone.

I close this statement with a poem, a remarkable poem—a remarkable poem for a remarkable man.

God, give us men!

A time like this demands strong minds,
great hearts, true faith, and ready hands.

Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.
Men who can stand before a demagogue and
brave his treacherous flatteries without winking.

Tall men, sun-crowned;
Who live above the fog.
In public duty and in private thinking.
For while the rabble with its thumbworn
creeds,

its large professions and its little deeds,
mingles in selfish strife, Lo! Freedom weeps!
Wrong rules the land and waiting justice
sleeps.

God give us men!

Men who serve not for selfish booty;
But real men, courageous, who flinch not at
duty.

Men of dependable character; men of sterling
worth;
then wrongs will be redressed, and right will
rule the Earth.

God give us men!

Thank You, almighty God, for this
remarkable man, this man of great
honor, this remarkable man, Paul
Wellstone. Whence cometh another?

Mr. FEINSTEIN. Mr. President, 5
years have passed since we lost our distinguished colleague, Senator Paul Wellstone, in a tragic plane crash. That crash also took the lives of his wife Sheila, their daughter, Marcia, three loyal staffers, and two pilots.

That sad day the Senate lost a passionate, gifted, and respected colleague and friend.

Paul was a political science professor, with a sharply honed intellect. But his heart was as big as his mind, and he was a committed advocate for the less fortunate.

He was elected in 1990 and quickly became a strong, crusading voice in the Senate.

Paul fought for increased education funding, for improvements in the minimum wage, for affordable, accessible health care, for campaign finance reform, for legislation to protect small farmers, and for legislation to expand insurance coverage for the mentally ill.

Paul helped lead the successful opposition to an energy bill in 1991 that would have opened the Arctic National Wildlife Refuge to oil exploration.

Paul was a champion of the dispossessed around the world—in Latin America, in Africa, and in Asia.

In 1996, when I voiced concern over the treatment of women and girls by the Taliban, Paul was one of the few open to the idea that the United States should do something.

In 1999, Paul and I introduced the International Trafficking of Women and Children Victims Protection Act to address these heinous crimes and to hold to account nations that fail to meet minimum international standards.

Paul cared deeply about Tibetan autonomy. The last time we worked together was to cosponsor legislation to encourage dialogue between the Dalai Lama and the Chinese Government—and to protect the identity of the people of Tibet.

He would have been pleased to see the Congressional Gold Medal—the Nation's highest civilian honor—awarded to the Dalai Lama earlier this month.

Paul was eloquent. He was compassionate. And he is missed. I feel honored to have been his friend and colleague. I will never forget him, and the Senate is better for his service.

Mrs. BOXER. Mr. President, I can hardly believe it has been 5 years since we lost Paul and Sheila Wellstone. It still seems like only yesterday that I would see Paul pacing up and down the aisles on the Senate floor, speaking out for Minnesota and what he so affectionately called the “little fellers” in the world.

There isn't a day that goes by that I don't miss him and beloved wife and soul mate, Sheila, but the loss is especially poignant in these tough times our country faces.

I remember during the Iraq war debate, Paul spoke out passionately against the resolution authorizing the go-it-alone military approach in Iraq. He spoke, almost prophetically, about the possible consequences of our actions—how it would impact the continuing war on terrorism and efforts to rebuild Afghanistan. He said that the gravest concerns were those raised about the possible loss of life—to our soldiers and innocent Iraqis. I can hardly imagine what he would think of the mess we are in today.

That day, Paul was strong and unafraid, as he always was, even though he knew his “no” vote could cost him his Senate seat. He said then that the “only way to do it, is to do what you honestly think is right, and then whatever happens, happens.”

I think history has shown that Paul was absolutely right. And my only regret is that he is not here today to continue speaking out against the war in Iraq.

There are times when it is positively exhausting to keep fighting for just causes, especially against this administration. But then I look at the wall in my office and I see a beautiful picture of Paul and me together, and I think of what he would say if he was still here, and I am sure he would tell me to stand up and keep fighting.

We all lost so much 5 years ago on that tragic day—Paul, a fighter, a

hero, a friend, a father, a grandfather. And of course we lost Sheila, Paul's partner in life, their daughter Marcia, and three devoted staffers. My heart still aches.

But what we gained, from Paul's life and legacy, cannot be erased by time. His passion and life's work is being carried on by his friends and colleagues, and by the good people of Minnesota, who I know miss him dearly.

And I know that if he could, Paul would tell us that there is no time for tears, and as he said many years ago, this is no time for timidity.

Mr. LEVIN. Mr. President, today we mark the anniversary of a sad event. The tragic deaths 5 years ago of my friends, Paul and Sheila Wellstone. Yet I know that I join today the people of Minnesota and my colleagues here in the Senate in celebrating the lives they lived and the legacy they left behind.

Paul was a remarkable man who stood up in the Senate for those most in need of representation, the underprivileged, the oppressed, and the mentally ill. He stood up and he never backed down.

Paul Wellstone was a man of great energy and passion, seemingly always in motion, but never too busy to have a word with people he would come across in the corridors or in the elevators, never too busy to take a moment to talk with the tourists in the Capitol, Senate workers, or the constituents of other Senators. For this, he was beloved by the many people who serve us here in the Senate and the many others he touched. We all miss his eloquence, and his humor, but, most of all, we miss this man of warmth and caring.

When that plane crashed in northern Minnesota 5 years ago, his beloved State, the Senate, and the Nation were deprived of a wise and thoughtful leader. When I stood on the Senate floor to pay tribute to Paul Wellstone shortly after the accident, I pointed out that one of his last acts in the Senate was a vote against the war in Iraq. I recalled his speech then. But now, 5 years later, after the painful course which that war has taken, his words ring even more true. He saw and understood the first of the series of mistakes made in Iraq. He said, “Acting now on our own might be a sign of our power. Acting sensibly and in a measured way, in concert with our allies with bipartisan congressional support, would be a sign of our strength.”

Paul never feared to fight for what he believed, even when in a small minority like his vote against the welfare reform bill in 1996, and his battles against the bankruptcy bill, and on behalf of more equitable funding for the victims of mental illness.

My wife Barbara and I often think of our friends, Paul and Sheila Wellstone, and the good times we shared. Because of those enduring memories, we celebrate their lives on this anniversary, in much the spirit that they lived, with a smile in our hearts.

Mr. NELSON of Florida. Mr. President, it is 5 years ago today that we lost one of the most articulate, most energetic, and brightest lights of this Senate when our colleague from Minnesota, Senator Paul Wellstone, and his family were killed in an airplane crash as he was campaigning in Minnesota for reelection.

Paul sat at that desk right there, and from that desk he would pace back and forth with his speeches, like a caged lion, because the energy was bursting from him as he would speak with such passion about the poor and the down-trodden and the dispossessed. It was such a voice that was snuffed out that when they had the memorial service for him, it is amazing the number of Senators who went to Minneapolis for that memorial service; Senators from both sides of the aisle, who had tremendous respect for this Senator who spoke with such passion.

I wanted to add my voice to those who have recalled the life of Senator Paul Wellstone and what he meant to America and to the Senate.

Mr. BROWN. Mr. President, today we remember Paul Wellstone, his wife Sheila, and his daughter Marcia. Today my wife Connie and I send our thoughts and prayers to the Wellstone sons, Mark and David.

Paul, so many of our colleagues noted earlier today, was more than a Senator, more than a professor. He was, of course, first and foremost a loving husband and a proud father. But for millions of Americans, Paul Wellstone was a hero.

Paul was an unparalleled champion for social and economic justice. He led by example, fighting for the weakest among us, those whose voices are too often drowned out or altogether ignored.

In the Senate, Paul Wellstone was their voice. He may have had the title "Senator," but he proudly, perhaps more proudly, wore the moniker "activist." From this Chamber, he fought for the poor, for the veterans, the environment, and working men and women not just in Minnesota but across the land and across the world. He led by example, an example we in this Chamber are well served to follow.

Five years after his death, he remains sorely missed.

Mr. HARKIN. Mr. President, today marks 5 years since the tragic death of our friend and colleague, Paul Wellstone of Minnesota.

You know, I look around the Chamber, I see men and women of remarkable talents and abilities. But I have also had a strong sense that over the last 5 years there has sort of been a void in our midst; a very special Senator, a Member who played a unique role within this body, has been missing.

It is as though we are suffering from "phantom limb syndrome"; you know, where a person loses a limb but still feels its presence. Whenever an issue of moral urgency, an issue of conscience

comes to the Senate floor, I still expect to look back over here in the back row and see Paul Wellstone over there, chopping his hands in the air, speaking with his passion, urging us to do the right thing. On that score, I remind my colleagues that one of the last major votes cast by Senator Wellstone was his vote against a resolution later used by President Bush as an authority to launch an invasion of Iraq.

I remember it well because Paul and I were very close friends, and we debated this between us. I said: Paul, no, Bush is not going to use this as any kind of authorization to go to Iraq. This is only meant to give him the authority to go to the U.N., to get the U.N., which is what we want to do, is to get the U.N. inspectors back there.

Well, I think Paul was a little more prescient than I was. So we did not vote the same way on that. I will forever rue the day I voted to give President Bush that authority. Quite frankly, Senator Wellstone was in the midst of a very difficult reelection campaign when he cast that vote. So I think it is a measure of his political courage that he cast that vote without thinking about any political consequences.

Five years later, with our Armed Forces bogged down in a civil war in Iraq, it is painfully clear Senator Wellstone's vote was not only a courageous vote, it was the right vote.

I think Paul truly was, as I have said before, kind of the soul of the Senate. I have said before that no one ever wore the title "Senator" better or used it less. He loved it when ordinary folks came up to him and called him Paul. Some Senators might not be so approachable. Paul Wellstone was. He took that as a sign that ordinary people knew he was one of them. He was approachable and he cared.

Paul Wellstone was truly my best friend in the Senate. But he is one of those rare souls who so many saw as their best friend. He had a powerful authenticity about him that made a miner up in the Iron Range know he was as important to Paul Wellstone as the President of the United States. That was a very unique ability he had.

He never had to proclaim his decency. It shone forth in great acts of political courage and small acts of human kindness. He never had to say he cared. He never had to proclaim his compassion. You just knew it was there. The hard-working folks he cared about most didn't have lobbyists of influence, but they had Paul Wellstone. He truly was their best friend.

So 5 years later we remember the political science professor whose measure of truth was never in political theory but in the impact of our decisions on real people. We remember the community organizer who understood how to bring people together, rural and urban, environmentalists and labor, Republicans and Democrats and, as I have often joked, he even brought Minnesotans and Iowans together. We remember a leader, a proud Democratic Farm-

er Labor Party liberal who constantly reminded those of us who are Democrats that the purpose of our party is to offer hope and opportunity to all Americans, including the neediest among us.

I still remember the first time I ever met Paul Wellstone. It was in 1988. I was a freshman Senator. We were in the midst of one of the deepest recessions—depressions, almost—in farm country that we had had since the Great Depression. Farmers were losing their farms all over the Midwest. Suicides were up. Families were breaking up. There were bankruptcies. It was not a very good time in farm country. I remember I went out to speak to a large group right outside of Austin, MN, at a big farm gathering. I know there were well over 1,000 farmers. It was a big gathering. I think the Minnesota Farmers Union or maybe the National Farmers Union had pulled them together.

So they asked me to come speak because I had been, at that time, trying to get through a bill called the Harkin-Gephardt farm bill to respond to the crisis.

So I went there to speak and, of course, as any big gathering like that on the stage, you have a lot of different speakers. I was supposed to be the final speaker. I was the Senator. So I get there. We had one farmer speak, then the head of the Farmers Union speak and then somebody else spoke and then somebody else spoke. Right before me, they had this guy, this Professor Wellstone. I had never met this guy, and I am on the stage with him. I am preparing my remarks, thinking how I am going to get the crowd up and excited, get them stimulated. And so this Wellstone guy gets up to speak. He has long curly hair. He has a T-shirt on, kind of rolled up. He was muscular, a wrestler.

How can I say it? After he spoke, I didn't quite know what to do. He had everybody up. He was so enthusiastic. He had everybody pumped up. He had everybody enthused. I thought, how can I follow this? Well, I tried my best. It wasn't very good. I came back to my staff. I said: I don't know who that guy is, but don't you ever put me on after him again.

That was my first introduction to Paul Wellstone. Then after that we became friends. After that, through mutual friends in Minnesota, I found out that he was thinking of running for the Senate. Of course, he had a big primary. He won it. Of course, I couldn't do much to help him because I was fighting for survival myself in 1990. I had a Congressman running against me. I was a first-term Senator. But I couldn't have been more happy, after my own reelection, than the fact that Paul Wellstone won that race in Minnesota in 1990. So we joined forces in the Senate.

In 1996, running for reelection, that was a tough year. Quite frankly, both of us nearly lost. We were very close. I remember talking to him on the phone.

I said: Paul, I don't know if I am going to survive. He said:

Yes, we are going to survive.

Then 2002 came. I remember a dinner with another colleague. I won't mention the name. It is a personal thing. But we were thinking maybe of not running again. Paul Wellstone had said he was only going to serve two terms, and he was afraid of breaking that commitment. So we discussed this over dinner. Our wives were with us. We discussed the issue of running or not. I thought, well, I have been here for a couple terms myself. I didn't know if I wanted to do it anymore. That would have been my third term, his second. Then one by one we decided we were going to run again, and we talked Paul into it.

We said: Paul, you have to be here. You have to do it. And don't worry about that. Your people will understand. You have things to do. You haven't finished your job.

So we all decided, yes, we would seek another term in office.

Paul once said:

Politics is about what we create by what we do, what we hope for, and what we dare to imagine.

Paul was a hopeful man. I always remember that green was his color. He had that bus painted green. When I say "painted green," I mean with a paint brush. It was an awful paint job they did on that bus of his. He climbed aboard that bus in 1990 and set out to build a better America. But Paul never meant for it to be a solo voyage. He wanted us all aboard.

Though Paul is no longer with us, his journey for justice continues. Near the site of the tragic plane crash is a beautiful physical memorial for Paul and the seven others who died there: his wife Sheila, daughter Marcia, two pilots, campaign staffers Will McLoughlin, Tom Lapic, and Mary McEvoy. That is the physical monument.

I would like to think there are also living memorials that Paul would have been truly passionate about. One of those is the nonpartisan, nonprofit Wellstone Action organization founded by his sons, Mark and David, which trains citizens in civic activism and grassroots, people-to-people politics, the kind of politics he loved and excelled at like no one else.

I think there is one more Paul Wellstone legacy. It is not tangible, but it may be the most powerful legacy of all. That is our memory of his passion, his convictions, and his incredible capacity for bringing people together to accomplish important things.

Before closing, I must mention one of those important things he fought so hard for and was so passionate about that still remains unaccomplished. He fought hard all the time I knew him to end the neglect and denial surrounding issues of mental health, access to mental health services. Over 41 million persons suffer from a moderate or serious mental disorder each year. Less than

half receive the treatment they need, and 80 to 90 percent of all mental disorders are treatable by therapy and medication. Paul fought very passionately for the Mental Health Parity Act to end the absurd practice of treating mental and physical illnesses as two different kinds of things under health insurance.

In late 2001, the Senate passed the Mental Health Equitable Treatment Act, sponsored by Paul Wellstone and Senator DOMENICI of New Mexico—that was when I happened to be chairman. We had a brief interim where we had the Senate, at that time, 2001–2002—as an amendment to the 2002 Labor-Health and Human Services-Education appropriations bill. It passed the Senate. Then we went to conference. In conference it was argued that this was not the right place for it, that it should be on an authorization bill, not on an appropriations bill. I don't have the words right here, but I have them, when people committed that we would take care of mental health parity the next year on an authorization bill. So it was dropped in conference. Then 2002, 2003, 2004, 2005, 2006, 2007, and we still don't have mental health parity. The Senate passed it. A strong majority of Members in the other body supported a similar bill entitled the Paul Wellstone Mental Health and Addiction Equity Act of 2007. But we still don't have it done.

I can't think of a better living legacy to Senator Paul Wellstone than for this Congress, the 110th Congress, to pass the strongest possible mental health parity bill and send it to the President to become law. I hope we can get that job done before we go home whenever that may be.

In closing, for those of us who had the privilege of serving with Paul Wellstone, his spirit is still very much with us. He still inspires us. He still calls us to conscience. He still makes us smile when we think of his puckish humor. He was the finest of men. We miss him greatly.

Mr. CARPER. Mr. President, having had the privilege of serving with Paul Wellstone for a couple of years after arriving as a Senator, not knowing him as well as Senator HARKIN knew him, I say amen to all the Senator from Iowa said and thank him for reminding us.

Mr. President, I yield the floor.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 294, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 294) to reauthorize Amtrak, and for other purposes.

Pending:

Sununu amendment No. 3452, to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce.

Sununu amendment No. 3453, to prohibit Federal subsidies in excess of specified amounts on any Amtrak train route.

Lautenberg (for Carper) amendment No. 3454 (to amendment No. 3452), of a perfecting nature.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 3453

Mrs. HUTCHISON. Mr. President, I thank the Senator from New Jersey for giving me this time and for being a longtime advocate of Amtrak but not only the eastern corridor Amtrak. The Senator from New Jersey has worked diligently for a national system. The reason we have a need for a national system is because it is national. The national system connects other routes to each other. If we had funded Amtrak in the same way we funded and helped other modes of transportation, we would have a bigger ridership because we would have better on-time delivery. The bad on-time delivery has caused a drop-off in ridership. This does not mean we should abandon the national system.

I am pleased to be a cosponsor of this bill. Senator LOTT has been another longtime champion of a national system. There are 41 cosponsors of this bill. We have worked together to make sure we don't only subsidize the eastern corridor. I have said all along, it is national or nothing for me. I believe in a national passenger rail system, one that connects our country from coast to coast. My vision is that we have a track going across the northern part of the country from the Atlantic to the Pacific, the southern part from the Atlantic to the Pacific, and then from the top to the bottom of our country, from the northernmost point down to the tip of Florida and the tip of California. That is a national system. It would have a track that also splits the middle of the country from Chicago down to Texas. From there, we have the capability to have State systems that would emanate from that skeleton.

It is important that we stay together. It would be easy to say: Well, the northeastern corridor does own its own tracks, and therefore it is more efficient, and why don't we just cut off the rest of the country and subsidize that? That is not a national system. I

could not in good conscience support only a northeastern line. My constituents would be robbed of the Texas Eagle and the Sunset Limited lines, and there are other States that have legitimate needs as well. If we actually had done better by Amtrak all these years, we would require fewer subsidies.

I am pleased to support the bill, but I do not support the Sununu amendment. It isn't that I don't think his heart is in the right place. He is trying to save money because Amtrak is subsidized. We don't deny needed highways in the rural parts of our States. All of our Federal highway money is divided. It goes into rural areas. Why would we deny Amtrak service to other parts of the country that don't have the ridership mainly because of the on-time service not being dependable?

In 2003, a public opinion poll showed an overwhelming 85 percent of participants supported Amtrak, \$2 billion worth of funding for Amtrak. We need a better system. We are working for a better system.

The bill before us is a well-debated, well-adjusted bill that isn't everything the Senator from New Jersey wants. It is not everything the Senator from Mississippi wants. It is not everything this Senator from Texas wants. But I know that if we have a national system, it is an important alternative mode of transportation for our country. We need highways. That is the bread-and-butter transportation system for the country. We need air transportation, and we do provide an air traffic control system to support that. A national rail passenger train is another mode that, in the event of an emergency, is a very helpful mode of transportation. After 9/11, when our air traffic system was shut down, people went to Amtrak. We needed that for the emergency. I believe we would be able to have much more in Amtrak if we funded it at a level where it would have better service and if we could get freight rail to work with us to actually help us alleviate some of the congestion they cause on their freight lines. We could work this out if we had rail support for Amtrak. It is important that we do that.

In 2005, SAFETEA-LU authorized more than \$40 billion on our highways for fiscal year 2009. The Senate will take up an FAA bill later this year that will invest \$17 billion in aviation annually. We just sent the President a water resources bill authorizing \$23 billion over the next 2 years. There is always a different standard for Amtrak. Amtrak is asking for, in this bill, \$2.1 billion a year. I don't know why Amtrak is a stepchild. If we have the resources necessary to make it a system that serves the whole country, it would be an environmentally effective, efficient system that would operate to not only provide transportation needs in rural parts of the country, where you can have buses that go into very small communities and feed into an Amtrak

station, but the service would improve. The on-time delivery would improve. For the kinds of subsidies we need, that we are authorizing in this bill, it should be a national system, not a northeastern corridor system. That is what is fair for the country. It is right for the country.

Always in the Senate since I have been here, our Amtrak supporters have been national-or-nothing Amtrak supporters. I have supported the northeastern corridor. My friends on the northeastern corridor have supported a national system. Even in the hardest times, we have kept the system together. If we do that, we will see that the States will step in and do more, as California and some of the Western States have done, to their credit. We will have more private lines, more mass-transit lines, such as we have coming into Dallas, feeding into the Amtrak station, making it more used. In Texas, 250,000 passengers used the Texas Eagle and the Sunset Limited last year. It is a very important mode of transportation. The more we can do to make it efficient and effective, the better off we will be.

The Sununu amendment would wreck the national system. I hope we will reject that, even though I respect my colleague from New Hampshire. I know his heart is in the right place. I want to work with him to make Amtrak more efficient, but dropping national lines is not going to make it more efficient.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Jersey.

MR. LAUTENBERG. Mr. President, I thank the distinguished Senator from Texas. She has always been a supporter of a national passenger rail service. We appreciate the fact that we can work together on this project.

Among the routes that would be eliminated under a proposal that is in front of us would be the Crescent in the first year. The ridership there is not quite what it used to be because it originates in New Orleans and New Orleans is not a place where there is a lot of traffic. The Sunset Limited is the one—I am sorry—originates in New Orleans. In the third year, the Texas Eagle would be eliminated. Each one of them by themselves is not massive, but they are all part of a national network. When 9/11 came along and the aviation system was closed down, in many cases the only way to get more people to their destinations, home or otherwise, was through rail service. This would be a national security breach if we permitted this to be discontinued. There is no country in the world where there is rail service that doesn't have some subsidy contribution. We have to adjust ourselves to that. Neither would our aviation system work if we didn't make contributions to that; neither would our highway system be operating if we didn't, and we are deficient there.

We have to make sure that a national transportation infrastructure is in

place. An integral part of that is national passenger rail service.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. LAUTENBERG. Surely.

Mrs. HUTCHISON. I was so pleased the Senator from New Jersey talked about the Sunset Limited because the Sunset Limited, which is the first line that would be eliminated under the Sununu amendment, connects California all the way through the southern part of the country, all the way through Texas. It goes through San Antonio and Houston, then over to New Orleans, through Mississippi, Alabama, and it ends in Florida. In Florida, you connect to go all the way up the northeastern corridor. If you take out the Sunset Limited—that is our intercontinental rail line all the way across the country on the southern side—you are taking out a major part of the connection to our national system. I hope the Senator from New Jersey is correct that we will not have a national system, if you take out the whole intercontinental southern half of it. I applaud him for bringing that out.

Does he think if we took out that whole southern system, the Sunset Limited, that it would enhance Amtrak? Would it enhance the eastern seaboard? Would it enhance all the investment California has made all the way up to California and into the States of Oregon and Washington? Would that be something that would help the system?

Mr. LAUTENBERG. In response, Mr. President, it would probably destroy the system. We can't escape the fact that the equipment is often moved around in different areas. We have to have this as a backup, as I said earlier, for security alone, but also, as we join the fight against pollution and greenhouse gases, the railroads are the best, most efficient use for transportation in those cases.

So I think the wholeness of Amtrak's system is essential. We want to work together and make sure we include this as one of the targets for improving our transportation efficiency in the country. We are, unfortunately, way behind—whether it is in aviation or on the highways; and, certainly, Amtrak has not gotten its share of support. So we are looking forward to doing that.

I yield the floor.

THE PRESIDING OFFICER. The distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I do not want us to have only those speaking who are opposed to the amendment. I know the sponsor, Senator SUNUNU, is here and will probably want to speak momentarily in support of his amendment.

Let me say, to his credit, unlike some of our colleagues, he has been involved in this issue for years. As a member of the Commerce Committee, and when we were trying to get it up for consideration last year, he did not just try to block it from coming to the floor, he had some amendments, and we

agreed those amendments should be considered. That is the way to do this.

One of the things I said last night, and I want to expand on a little bit, is this bill may not be perfect, that we can perhaps have more improvements. But here is a case where the people I hear from say this is not a good bill because it does not do enough—not that they are opposed to most of what is in it, or what is in it; they just want to do more. But then you say: “All right, what do you want?” and they go silent.

So I think it is a major step in the right direction. If we can find more things that would improve the service, more reforms that would be helpful, I think we ought to consider that.

Mr. President, I ask Senator SUNUNU, would you like to speak now? I would be glad to defer and let you explain more about your amendment, and then I would follow you, if you prefer, or I can go ahead.

Mr. SUNUNU. Without objection, Mr. President, if I can respond to Senator LOTT, I am happy to speak whenever the Senator feels he has made all the points he needs to make, at least in the current time frame. I wish to speak for 10 or 15 minutes or so on the amendment, and we can move from there. I know we have been allotted 2 hours, but I hope and I think we will not have to take all the time.

Mr. LOTT. Mr. President, in the interest of fairness, usually we go back and forth. We have had a couple people speaking against the amendment—Senator HUTCHISON a few moments ago. I say to the Senator, if you wish to speak now, I encourage you to do so, and then we will have speakers on the other side after that.

Mr. SUNUNU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I rise to speak on the amendment I offered last night. This is an amendment that addresses the most basic question of fiscal responsibility. “Fiscal responsibility,” “fiscal responsibility”—we hear this phrase all the time from politicians, whether you are inside the beltway from Washington or outside the beltway. I am sure at times people listening to the debate turn the other way because they hear everyone using this particular phrase as it seems to mean something different to everyone. But I say it is a most basic question of responsibility. Because we are not talking about how high the tax burden should be, or even how much or how large the Federal budget should be; we are not talking about whether we should spend money in a particular area so much as we are asking how much we should subsidize a money-losing

proposition; how much money should the taxpayers be asked to spend on a business that is losing money.

Amtrak is a business, and Amtrak is losing money. We are in a position to be able to look at different parts of that business and try to identify exactly how much money they are losing in particular areas, and ask that simple question: What is fair? What is right? How much Federal funding should be used to subsidize a passenger on a particular train in the Amtrak system?

I would like to think my colleagues are willing to stand up and say the amount of money we should subsidize a passenger on a long-distance train is less than \$1 billion per passenger. I think we can get agreement on that. Sometimes I am not sure if we could get agreement on that, but I think we could get agreement we should not provide a subsidy of \$1 billion per passenger on every long-distance train Amtrak runs. That is a good starting point.

I would like to think we could get agreement the subsidy for every passenger on every long-distance train Amtrak runs should not be \$1 million per passenger. In fact, let's say for the sake of reasonable discussion we can at least—at least—agree the maximum subsidy should not be \$1,000 for every single passenger.

This is a basic question of fiscal responsibility. How big should that subsidy be?

Well, let's look at, first, how big the subsidy is today. There are 15 long-distance routes. Mr. President, 15 percent of Amtrak ridership consumes 43 percent of the total Amtrak budget. That is well in excess of \$1 billion. The revenue generated? Less than \$400 million. By the Commerce Committee estimates, that means there is as much as \$900 million in losses—losses—for these 15 routes. The average per-passenger subsidy is in excess of \$200 for everyone riding these trains. Now, I say “as much as \$900 million” because no one knows how much is being lost today.

We have heard about all the fiscal reforms in this package, and we hope they better enable us to understand how much money Amtrak is losing, but the last time any clear audit was done on these long-distance trains was in 2004 by the Inspector General. Let's look at what the Inspector General audit found in 2004.

At that time, the losses were \$475 million. They have only gone up since then. On the 15 routes, of course, the losses vary. On some routes they are higher than others. I think the lowest was for the Auto Train that runs from Orlando to Washington, DC. The subsidy per passenger was about \$26. Given the importance many place on having a national system, and recognizing we provide different types of subsidies to aviation service, and even to our highways in different ways—mass transit as well—a subsidy level of \$15 or \$20 or \$25 may well be justified. But that is the

lowest subsidy level on any of the routes. The highest subsidy levels? In some cases, the Sunset Limited, at \$286 per passenger; the Southwest Chief, at \$198 for every passenger running on that train; the California Zephyr, at \$140 per passenger.

Where are we going to draw the line? Perhaps those who will support any of these long-distance trains no matter how much they are losing can stand up and say: Well, look, the good news is it is not \$1 million per passenger. That is not good enough. It certainly is not good enough when we are taxing working families across America to provide these subsidies.

It begs the question whether you could buy airline tickets for the amount that gets lost on any one of these routes. I think in many cases you could pay the airfare. I had my staff look today at what they might pay for an air ticket for the route of the California Zephyr. It certainly is lower than the cost of the train ticket. It is even lower than the cost of the subsidy. As compared to the Southwest Chief, the air ticket is lower than the cost of the train service and even lower than the subsidy—the cost to taxpayers for every passenger running on this system—and so on down the line.

Now, I understand Amtrak has improvements they wish to make, that this bill has budget reforms and auditing reforms and costs management reforms that hopefully will improve these numbers. But we have to draw the line somewhere. All my amendment says is: draw the line at \$200—\$200 per passenger—on any given train route. Next year, we lower that to \$175; in the third year of the bill, \$150. I think if you ask any American: “Should we provide a subsidy of \$150 per passenger,” they would say: Of course not. That is ridiculous.

We all feel there is some real value in train service, that Amtrak has great potential—a potential to be more successful, more financially successful, and to attract a different ridership. This amendment would not affect any of the corridor routes that serve the southern part of the country, the central part of the country, the west coast of the country, the Northeast part of the country. It would not affect any of those corridor routes. The corridor service is 46 percent of the ridership in the country. This amendment would not affect the Northeast corridor. That is nearly 40 percent of the ridership in the country.

So the vast majority of people who enjoy or depend on service through Amtrak would not be affected. In fact, the vast majority of the riders on the long-distance routes would not be affected because today, at least according to the Inspector General's audit, there is only one route that is in excess of the \$200 subsidy level. There are only two that are in excess of the \$175 level.

So if there is a real belief this bill is going to address these concerns and this problem, even the strongest supporters of long-distance service should

be willing to support this amendment because, if nothing else, it will provide a real incentive, an honest incentive, to improve the performance of these routes.

You would like to think it can be done. I would like to think it is not impossible to run these routes without losing \$150 and \$200 per passenger. Maybe it is not. But if it is not possible, the American people should be told it is not possible today—not in 3 years or 5 years or 10 years.

All the amendment would do is ask for some basic level of fiscal responsibility, to set some threshold as to the amount we are not willing to spend on these per-passenger subsidies. I hope those who feel most strongly about this legislation and about Amtrak can recognize this can only provide incentives for their performance, improvements they argue they want so very much. I encourage my colleagues to vote for the amendment, for no other reason than because I think it is pretty hard to defend a vote against it when we have families across America who are working hard, paying taxes every day, who could certainly use the \$200 in subsidy per passenger, or the \$150, or the \$100, to spend themselves. Those are taxes we don't need to collect if we are not running these routes at such incredible losses.

Thank you very much.

Mr. President, I reserve the remainder of the time we control.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, would the Senator yield 3 minutes to me?

Mr. LAUTENBERG. I am pleased to yield 3 minutes to the Senator from North Dakota.

Mr. DORGAN. I appreciate the courtesy.

Mr. President, how could something so wrong sound so good? Well, the answer is the label doesn't describe the problem. This label says it is going to be fine, but the product says: Let's get rid of rail passenger service in this country, except for Boston to Florida, the eastern corridor.

Let me describe it in the context of the Empire Builder, a wonderful train that goes up through my part of the country. One hundred thousand North Dakotans rode the Empire Builder last year. That train has a great history, it has a past, and it also has a great future in my judgment.

But there are those who come to this Chamber time after time after time and want to get rid of long-distance train service in this country. Why? Because they believe the country is crowded on the east coast and they ought to have good train service on the east coast and the rest of it doesn't quite match up. Look: Every country in the world virtually that has rail service, rail passenger service, has some subsidy for it. We subsidize most transportation services in this country. I don't have a problem with doing that.

I think a national rail passenger system contributes to this country in a

very significant way. Somehow, to suggest that our rail passenger system in the future should look like this: You have rail passenger opportunities from Boston down to Florida on the east coast, and the rest of it, you know, you don't need it—to suggest that is to ignore a significant part of this country.

I support Amtrak. Can it work better? Sure. My colleagues, Senator LAUTENBERG and Senator LOTT, have been great stewards in trying to put together legislation that accomplishes that. But I would say this: I think this country is strengthened and is a better country and has a transportation system that is a better system because we have a national rail passenger system.

This is not a new amendment, I say to my colleagues. We have had this amendment around before. It has had different titles, but it is an amendment that says: Let's get rid of long-distance train service because there are people who have never liked Amtrak very much. Well, people probably will want to have train service, passenger rail service from Boston to Florida forever because that income stream of the large population center sustains it. The question is: should we have a national rail passenger system? Our country long ago answered that question and said: Yes, we should. That is why we have a national system.

My colleague says: Well, there wouldn't be much consequence if we pass this amendment. Oh, yes, there would. Most of the long-distance rail system would cease to exist. That is what this product is. It doesn't say that on the label, but that is what the product is. I don't disparage my colleague for suggesting it. We come from different parts of the country. He apparently believes that only the eastern corridor should end up with a rail passenger system. I think it enriches our country, across the country from East to West to have a national rail passenger system that works well. It works well for my State. One hundred thousand people a year board that Amtrak system. They like that service. I hope the Senate will decide to weigh in, in opposition to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, do I control the time on our side, or do I need to request the time to be yielded?

The PRESIDING OFFICER. The Senator controls the time on his side.

Mr. SUNUNU. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 46½ minutes.

Mr. SUNUNU. Thank you, Mr. President.

First, for any Senator who stands up and states that I believe there should only be service in the Northeast is wrong. It is wrong in substance, and I think it is wrong in the spirit of the debate on this floor because I certainly never suggested that. In fact, I suggested the opposite: No. 1, that this

amendment doesn't affect the corridor services on the gulf coast, on the west coast, in the Northwestern part of the United States in any way, shape, or form; No. 2, that this only affects long-distance lines that lose more than \$200 per passenger; and No. 3, that the goal of having a national service is a good one, provided that the level of cost and subsidy can be maintained.

The suggestion was made earlier that I want to get rid of long-distance trains. Again, no—only those losing more than \$200 per passenger. In fact, to the point of the line that was mentioned previously in debate, the Empire Builder; according to the statistics of the Inspector General's review in 2004, it wouldn't be affected by this amendment either. The Empire Builder lost \$94 per passenger in 2004. I hope the performance has been improved a little bit since then, but even if it hasn't, even if this is one part of our economy that has seen no improvements in productivity since 2004, no reduction in costs since 2004, no improvements in marketing and ridership since 2004, the Empire Builder wouldn't be affected because it lost less than \$200 per passenger. In fact, the Empire Builder wouldn't be affected in the year 2009, when that subsidy threshold drops to \$175. It wouldn't be affected in 2010, 2011 or 2012, because over the 5-year period, we only bring the cap down to \$100, and the Empire Builder would still be below that figure in what it loses per passenger. In fact, in addition to the Auto Train, which I mentioned earlier, the Coast Starlite, the City of New Orleans, the Silver Service, all of those cost taxpayers less than \$100 per passenger.

Now, is a subsidy of \$80 or \$90 per passenger; a loss of \$80 or \$90 per passenger; good? Is it that easy to justify to a family as they pay their taxes on April 15? I would be hard-pressed to justify that to people in my State of New Hampshire. But regardless, those routes are unaffected by this amendment. In fact, there are many others—several others—whose cost per passenger is in the range of \$100 to \$125, according to the Inspector General's report in 2004. I would hope and I would think they can improve performance by the 10 percent or 12 percent or 15 percent necessary to get below that \$100 cost per passenger as well. Maybe they can't. We can't forecast the future. But I think we can set an honest and a reasonable limit on what subsidies we are willing to provide.

Again, I can't state it plainly enough. This amendment doesn't affect 85 percent of the routes and ridership of Amtrak, the people who ride from all over the country—North, South, East, and West. It doesn't affect any of those long-distance routes, and there are probably close to half of them that have a subsidy level of less than \$100 today. For any of those that meet the performance benchmarks, they would be unaffected as well. I hope my colleagues can support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I would be interested in speaking on behalf of the Sununu amendment. I don't know what the alternating agreement is.

Mr. SUNUNU. Mr. President, I yield time to the Senator from Alabama, whatever time he needs to consume.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will be brief. Amtrak does go through my home State, and I have been interested in the impact of not having support for that periodic travel through our State that the system does and how much it costs and what the right public policy should be and how we should think about it. I would note Amtrak operates 44 routes over 220,000 miles of track, and 97 percent of those tracks are freight company tracks. But it runs a deficit each year, and we have to have Federal subsidies for it.

The crux of the public policy issue that all of us, I think, should think about for the overall public policy—not for one or two little—not for a few people in a vision for what we ought to do for the future but what is the truthful situation we are in.

Kenneth Mead, the Department of Transportation inspector general, succinctly stated the situation this way:

The mismatch between the public resources made available to fund inner city passenger rail service, the total cost to maintain the system that Amtrak continues to operate, and the proposals to restructure the system comprise dysfunction that must be resolved in the reauthorization process of the Nation's inner city rail system.

This proposed reauthorization would entail about a \$2 billion-a-year subsidy for the next 6 years. Remember, the bill that was enacted in 1997 to reform and have accountability for Amtrak contemplated there would be no more subsidies in 2002.

Now, Senator SUNUNU has studied this issue, and I believe we can rely on the things he is saying, fundamentally. It is important, and I am glad somebody has committed the time and effort to point out some of the problems with going forward with business as usual.

I am going to take a couple of minutes and share some thoughts. The train that goes through Alabama, Mobile, AL, east and west, it comes up—I am not sure exactly what the situation is this year, but when I checked last year, the train went through 2 or 3 days a week going east at 2 a.m. in the morning, and when it goes west, 2 or 3 days a week, it was 3 a.m. in the morning. Now, that is not likely to attract a lot of customers.

Let me show this chart and go through it. I believe we will come to understand that what we are talking about, I say to Senator SUNUNU, is trying to do something that is basically impossible to do. It is not going to work. I wish we could. As we used to

say in the country—I grew up on the railroad tracks. My daddy had a country store. There were three country stores and a railroad depot in our little community. The train went by, we had a passenger—I remember when we had a passenger train down there. There hasn't been a passenger train on that road in 40 years. There is only one store left and no railroad depot. Times change. Things happen.

Let's look at this chart on what it would take from Birmingham to Washington, DC. Well, what are your options? If you go on a commercial airline—the one we checked here was a direct flight from USAir last October—to Birmingham, there were seven direct flights to Washington, DC, from Birmingham, AL, a day. If you take your personal vehicle, you can leave anytime you want to leave. If you take the train, there is only one a day. That limits your options. People, when they are deciding how to make a trip, think about these things.

What about how long does it take? The air time is 3 hours 12 minutes, the personal vehicle is 11 hours, approximately, and the train time is 18 hours.

What about how many stops do you make? If you take an airline, it is one stop. It is a direct flight.

What about your personal vehicles? Let's assume you make four stops. But Amtrak is making 18 stops. It is not taking the shortest route.

What about our cost? I was surprised at this when we looked at the numbers. The primary cost for a round trip airline ticket, as I said, as of last October, was about \$328. We now think it is \$350 or \$360, something around that price. That is what the commercial airline fare is. If you took your personal vehicle, the cost for gasoline is \$87. Gas is about \$2.97 a gallon today. The Amtrak ticket is \$206 round trip.

I don't know that this is an accurate figure for the food and board, but in the air you have no cost of food and a room is not needed. In a personal vehicle, you can estimate one meal or two meals at \$20. On Amtrak, the high cost of food and a sleeper car can put you well over \$100—maybe even \$200—as our figures show. On the commercial airline, the total cost for one way would be \$160 to \$175. A personal vehicle is less than that while the train is more than that. The train is going to be much more than that one way.

So this is why people are not traveling long distances on trains. It is not because they are not there. They are there. But you say: Well, what we need is Amtrak coming through Mobile at 5 a.m., 7 a.m., or 8 a.m. Well, you cannot make that happen. To do that, we would have to double the number of trains or triple or quadruple them, and they will lose even more money. I wish it weren't so. I wish we could make this system work, but certain long routes are not feasible. However, Congress, being what it is, mandates it. We say you have to run these routes, and Amtrak runs up billions of dollars in

debt trying to comply. If I could see us moving to a time when we would come close to making this feasible, I would be supportive.

Mr. LAUTENBERG. Mr. President, can I ask a moment of the Senator's time without him losing his right to the floor? I have a unanimous consent request.

Mr. SESSIONS. I am pleased to yield for that purpose.

Mr. LAUTENBERG. Mr. President, we are planning to hold the vote at 12:15. I want other Members who are interested to know that.

I ask unanimous consent that at 12:15 today the Senate proceed to vote in relation to the Sununu amendment and the time until 12:15 be equally divided and all provisions under the previous order remain in effect. I assume Senator SUNUNU has agreed to this.

Mr. SUNUNU. We have no objection. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, while I am not opposed and don't think the proponents of the legislation have a bad intent, they have a vision for a national rail system, and they are willing to put billions of dollars into it. But I have never been able to lay my hand on a study that shows that a national rail system mandated by the government is feasible over long distances. Yet there was a study that showed, even in Europe, that train routes within certain ranges will work. I think the distance was approximately 200 to 300 miles. If it is much longer than that, people almost always choose to fly. If it is much shorter than that, they almost always choose to drive. Americans, more than anyone else in the world, have automobiles, and we choose to drive frequently. It allows you to arrive when you want, carry things you want to carry, drive straight to where you intend to go, and not have to wait in a station. And you don't have this on time problem. Commercial airlines are on time about 80 percent of the time. Amtrak was only on time 66 percent of the time. That is another factor you have to think about if you are going to regularly use a long-distance train.

In certain corridors, where the traffic is heavy, it works, and I am not disputing that. I am not for shutting down a profitable route or even routes that are close to profitable, which we can justify subsidizing. But I think, in all honesty, that Senator SUNUNU has raised a legitimate point. How much can we support these routes that are losing money, are unlikely to ever make money, and are driving up a heavy cost that the whole Amtrak system must carry in its effort to comply with congressional mandates?

So if you could reduce some of these losses that are draining Amtrak's ability to be effective and gave them some freedom to make business decisions rather than having their operations determined by political decisions made by Congress, I think we would be better off. So after much thought and review,

I have concluded that this is a rational amendment. It is hard for me to see how it can be opposed. Therefore, I will support it. I thank the Senator for offering it.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. LAUTENBERG. I yield 7 minutes to the Senator from Delaware.

Mr. CARPER. Mr. President, I used to serve on the Amtrak board of directors. We have a lot of trains running up and down the Northeast corridor. I have ridden on them since I was a little boy. The trains run about every hour. You can catch a train in Boston to come to DC pretty much every hour; between New York and DC, the frequency is even more. They run from 5 in the morning and go well into the night.

The reason a lot of people don't ride trains across the country is there are 15 different long-distance trains, which only run 2 or 3 days in a lot of cases. It may come in at 1, 2 or 3 a.m. in the morning, and it is not very convenient. It is hard to build ridership. I agree with Senator SUNUNU. I am not interested in spending \$200 or \$150 per passenger to subsidize long-distance trains. We don't do it in the Northeast corridor.

We have addressed this in a more thoughtful way, and I want to share that. I commend Senator LAUTENBERG and Senator LOTT and our staffs for working on it for years. The legislation calls for the Federal Railroad Administration to actually study every year, for the next 3 years, five long-distance train routes to figure out why they lose money and what can we do to reduce the cost of the train routes. I think they will find this in places in the Midwest. These numbers are out of the Midwest. There is a lot of investment, particularly in the Illinois area. Ridership is up on the Chicago-St. Louis corridor in the last year. Ridership between Chicago and Carbondale is up 46 percent. For the Chicago-Galesburg-Quincy route, ridership has increased 33 percent. They have actually added frequency and provided better service and more on-time service, and they have worked with the freight railroads that control the tracks to get better support so that they let the passenger trains run on time.

I think there is a better way to skin this cat than our friend, Senator SUNUNU, has proposed. I believe the answer is in the legislation. If you look at the country as a whole, today we have probably over 50 percent of the population living within 50 miles of one of our coasts. Think about that. What that means is we have these densely populated corridors up and down the east coast, the gulf coast, and on the west coast. They are perfectly suited for high-passenger corridor rail service.

Think about the other places around the country, and there is an example of the St. Louis-to-Chicago route. That part of America is where densely populated corridors also exist. My suspicion

is if we provide them the kind of service we are providing on these coastal corridors, we would see the increase in ridership that we are seeing in Illinois and also in Missouri.

Again, to my friends who want to make sure we take some affirmative action to provide better train service but reduce the kind of subsidies now being paid for folks riding trains that run every 2 or 3 days, coming through communities at all hours of the night, as well as the day, there is a smarter way to do this, and it is in the legislation.

I encourage my colleagues to oppose this particular amendment, however well intended it is. I think there is a better way to get to the legitimate issue raised. It is the language Senators LOTT and LAUTENBERG and our staffs and I have crafted and included. The first year, we would take five long-distance train routes and scrub their performance and find out a smarter way to provide the service. The second year, we would do five more, and the third year, five more. So over 3 years we would scrub 15 of these.

A lot of people are starting to ride trains who would not have thought about it before. That is because of congestion on the roads and highways, in airports, bad pollution in the air, and our dependence on foreign oil. The passenger rail service can address all those issues. Amtrak is not the whole answer, but it begins to get at the answer.

The language in the underlying bill answers the question Senator SUNUNU raises. I urge a "no" vote on the amendment and support for the underlying legislation.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, we understand that Senator SUNUNU comes with a background in business and comprehension of what balance sheets and financial statements are like. We recognize that the State of New Hampshire does have some Amtrak service. But the State of New Hampshire is also one of the beneficiaries of something called Essential Air Service, where the country takes great pains to make certain that communities are not so isolated that you have difficulty in traveling from there and to there. It costs the Federal Government about \$50 million a year for Essential Air Service. We are all in the same boat. It is our country, these are our communities, and they have to be part of the functioning of our society.

So when I look at the amendment proposed by the Senator from New Hampshire, this amendment would destroy our national passenger rail system. Based on 2007 data, the Sununu amendment would immediately cut passenger rail service to the entire Southwestern United States. Four of Amtrak's longest train routes would be gone. It is easy to see on this chart the lines that crisscross our country. You are saying that almost everything, in

about a 5-year period, would be pretty much not in existence. We start off with four of Amtrak's longest train routes, most of them in the Southwest. Next year, five more trains would be eliminated, including the Silver Star, which is New York to Miami; Silver Meteor; the Cardinal; the Coast Starlight, Seattle, WA, to L.A., CA; and the Lakeshore Limited, Chicago to New York. These comprise something over a million travelers a year. Within 5 years—likely sooner—the entire national network of long-distance trains would be gone because corporate overhead costs would be shared among the remaining routes, increasing their costs.

These long-distance trains provide essential transportation services to millions of Americans, and their ridership and revenue has been growing.

Last year, ridership increased on Amtrak's long-distance trains 2.5 percent and revenue went up 5 percent. For instance, if we look at Amtrak's Palmetto train, which is New York to Miami, its route extends south from the Northeast corridor and serves South Carolina, Georgia, Florida, North Carolina, and Virginia. It had 7.5 percent more riders than the year before, a total of 157,000 riders.

The States want Amtrak service, and they want to expand it as well.

One Governor—I have a letter written in 1996—wrote to Amtrak claiming:

Many of us believe that Amtrak finances and operations are a matter for the Federal Government. The Federal Government created Amtrak.

This is the letter from the then-Governor of Texas, George W. Bush, in 1996. He attributes responsibility to the Federal Government.

To connect our rural areas with our urban commercial centers, the Federal Government subsidizes all modes of transportation. We have essential air service, which I mentioned. We have Federal subsidies for intercity bus transportation. And since the Federal Government took over passenger rail service, we have funded it as well.

I wish to make note of the fact that despite the fact that our airlines are for-profit companies, we insist that we have to help them function and we give them about \$3 billion a year in subsidies. These are for-profit companies. We want them to keep flying. There has been about \$20 billion put into the aviation system since 9/11.

I remind our colleagues, there is no passenger rail service in the world that earns a profit. Countries pay for rail service because of the benefits, and if you eliminate these trains, it would mean millions of additional cars on the highways and even longer lines at the airport, adding to our country's congestion problems.

In addition, terminating these routes destroys Amtrak's interconnected system, isolating different parts of the country from one another and reducing the utility and the value of all of Amtrak's services.

This bill, our bill, already cuts Amtrak's operating subsidy by 40 percent. And rather than micromanaging Amtrak, our bill mandates that this performance standard is the one the company must meet. We also require Amtrak to tell us how they plan to meet this standard. They need to set up specific improvement goals and plans for each individual train route. If the plans are not followed or if they don't work, funding for that train route can then be terminated.

Senator LOTT and I, along with Senator CARPER and others, put a lot of thought into this bill. It will make major improvements to rail service in our country. The Sununu amendment does exactly the opposite. It will destroy America's national passenger rail network. Ironically, it won't even save money because a sudden and massive reduction of trains that this amendment would force would leave Amtrak with huge labor costs for displaced employees.

This is not a new subject we are airing today. In some ways, it would be nice to be able to agree with Senator SUNUNU on this issue and say, OK, it would be nice if they could pay their own way, but they can't do it. When you are operating on schedules that, in many cases, pay lots of attention to the key peak work hours and then don't have the traffic after that—

The PRESIDING OFFICER (Mr. TESTER). The Senator's time has expired.

Mr. LAUTENBERG. How much time do we have left?

The PRESIDING OFFICER. None.

Mr. LAUTENBERG. That is good. We have no time left. We had, I thought, a minute or two before the vote.

Mr. SUNUNU. Mr. President, is it true that I have plenty of time left?

The PRESIDING OFFICER. It depends on the Senator's definition of "plenty." The Senator from New Hampshire has 11 minutes remaining.

Mr. SUNUNU. In New Hampshire, 11 minutes is plenty of time. I yield 2 minutes to the Senator from New Jersey to finish his remarks.

Mr. LAUTENBERG. I thank the Senator. May I take that at the end of the Senator's presentation?

Mr. SUNUNU. Mr. President, I wasn't aware this was a negotiation as opposed to an act of solidarity with my colleague on the other side of the aisle. I will be happy to reserve Senator LAUTENBERG's two minutes for the end.

Mr. LAUTENBERG. I am touched by the generosity of the Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent that we reserve two minutes on each side for the end of this debate. I have a couple of minutes of comments, and then if there are speakers on the other side, we may still have another couple of minutes to yield to them as well.

Mr. LAUTENBERG. I am concerned, Senator LOTT wanted to say a couple of words.

Mr. SUNUNU. Excellent. I will be happy to reserve those two minutes for the other side.

Mr. LAUTENBERG. That is a satisfactory arrangement, and I consider it to be very fair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, let me use my portion of time to conclude my remarks. I wish to address some of the points Senator LAUTENBERG made in his presentation.

First, it was suggested that under 2007 data, four routes would have to be shut down if my amendment were made the law of the land. I find that surprising and maybe a little problematic for a couple of reasons. First, I am not aware of any Inspector General audit that was done for 2007, which would be required under the amendment. The only IG audit of which I am aware, the most recent one, was in 2004, and that indicated only one route did not meet this threshold. So, first, I don't think there is any data to make that assertion that four routes would be closed.

Second, if that were the fact today, that means the situation has gotten worse over the last three years; that it has gotten worse and that the costs are trending in the wrong direction, and that is something about which we should all be concerned and, in fact, alarmed.

Third, it was suggested that closing four routes, if that were the case, would be a sudden and massive reduction in the capacity of the system. In fact, even if four routes were affected, we are talking about 1 to 2 percent of ridership.

The phrase "making people pay their own way" was also used. It does nothing of the sort. As I indicated, I think there is an opportunity for providing some support or subsidy level, certainly in the medium term. This would by no means require anyone to pay their own way because it would still allow in the first year subsidies up to \$200 per passenger and in the second year subsidies up to \$175 per passenger. Only in Washington would a \$200 subsidy be called "paying your own way." That is just not right.

Finally, it was suggested that closing one of these routes would isolate parts of America. I think the idea that eliminating a long-distance train would isolate people in America in this day and age, given all the ways we have to travel, to communicate, and to reach out to one another, is ridiculous.

This is a common-sense amendment. This is not the grim reaper for national train service. This amendment only says if a route is losing more than \$200 per passenger, we should not continue to operate that service. I suppose it is a little bit like hitting yourself in the head with a hammer: Maybe once you really get going, you are reluctant to stop because you think the next time you hit yourself in the head it might not feel quite as bad. At a certain point, we need to draw the line. I think

\$200 per passenger is a pretty reasonable line to draw. I encourage my colleagues to support the amendment.

I reserve the remainder of my time. I am happy to yield Senator LOTT 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, the Senator from New Hampshire is yielding me 2 minutes out of the time of the proponents of the amendment? I don't want to mislead anybody here.

Mr. SUNUNU. As the Senator may not be aware, we have a unanimous consent agreement, and having consumed all the time on the opponents' side, I offered to share an additional 2 minutes so that Senator LOTT can conclude his remarks.

Mr. LOTT. Mr. President, that is typical generosity of the Senator from New Hampshire. He is engaged, thinking about this issue and trying to do the right thing.

I also think this is a classic chicken-and-egg deal. We tell Amtrak we want them to do better, but yet we don't offer any reforms, challenges, responsibilities to do better. We throw rocks and say: Why aren't you providing better service at cheaper rates?

I think you need a plan to move toward actually what the Senator from New Hampshire is trying to achieve. The bill before us, S. 294, already requires Amtrak to reduce its total Federal operating subsidy by 40 percent over the life of the bill. The bill gives Amtrak management the flexibility to achieve this goal through cost savings, route changes, revenue growth, or expanded service rather than through mandated route cuts. Additionally, the bill requires improvement plans for each long-distance route that will focus on strategies to increase revenues, ridership, efficiencies, and service quality. These plans must be implemented and achieved in order for them to continue to get Federal routes.

I think some of these routes are going to eventually need to be terminated, but if we do what this amendment would do, it would basically, cold turkey, start eliminating routes very soon, including, to be perfectly honest, the Crescent, which is the train that comes down through the heart of the South, through Meridian, MS, Hattiesburg, down to New Orleans. We need that service.

Also, this would force cuts at a time when we need more rail service, not less. We have ever-increasing air and highway congestion and environmental concerns. The Federal Government provides operating subsidies in all these other areas, but we are saying we want to terminate these long-distance routes. If we want a national rail passenger system, we are going to have to keep some of these routes going at least until we make an effort to make them more cost efficient.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, we are approaching 12:15, which is the time for the vote. I wish to conclude first by responding to some of the remarks and the observations made by the Senator from Mississippi.

First, there was mention of the Crescent, which is one of the 15 long-distance trains. Under the 2004 Inspector General's audit, the Crescent lost \$114 per passenger in coach class. At that rate, they would not be affected in 2008 by this amendment. They would not be affected in 2009 by this amendment, or 2010 or 2011. They might be affected in 2012 if they have failed to improve any performance on the basis of cost over a 4-year period. I don't think that is Draconian. I don't think that is too much to ask. I hope the Senator from Mississippi and others will support that kind of improvement in performance, and I think it can be achieved.

To that point, the Senator from Mississippi said: We need to do better; we need to have a plan for doing better. From what I have heard, he and many others believe this bill is the plan to do better, and I think in many parts it is a plan to do better. I support that concept. I support a blueprint for improving financial reporting, standards of accounting, and cost performance.

What my amendment simply does is tell people honestly and directly: How much better do we expect you to do? What is the minimum we expect you to do? We expect ridership or routes not to lose \$1 million per passenger, or \$500,000, or \$1,000, or \$500 per passenger, and I think it is reasonable to say we expect you not to lose \$200 per passenger. That is what we are asking. That is how much better we expect you to be for only those routes which are not meeting that standard today.

It is a reasonable standard. It is an understandable standard. Under the 2004 data, it would affect one of the 15 routes. It might affect more than one. It might affect two or three more routes 2 or 3 years from now if they have failed to improve. But when we are asking families across America to fill out their tax forms every April 15 to provide resources to our country to fulfill important obligations, I don't think we should be asking those families to subsidize passengers on Amtrak at \$200 per person.

It is reasonable, and I hope my colleagues will support a commonsense amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Sununu amendment, No. 3453.

Mr. SUNUNU. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLIN-

TON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 66, as follows:

[Rollcall Vote No. 395 Leg.]

YEAS—28

Alexander	DeMint	McConnell
Allard	Dole	Roberts
Barrasso	Ensign	Sessions
Bennett	Enzi	Shelby
Bond	Graham	Sununu
Brownback	Gregg	Thune
Bunning	Inhofe	Vitter
Burr	Isakson	Voinovich
Chambliss	Kyl	
Coburn	Martinez	

NAYS—66

Akaka	Durbin	Mikulski
Baucus	Feingold	Murkowski
Bayh	Grassley	Murray
Biden	Hagel	Nelson (FL)
Bingaman	Harkin	Nelson (NE)
Boxer	Hatch	Pryor
Brown	Hutchison	Reed
Byrd	Inouye	Reid
Cantwell	Johnson	Rockefeller
Cardin	Kerry	Salazar
Carper	Klobuchar	Sanders
Casey	Kohl	Schumer
Cochran	Landrieu	Smith
Coleman	Lautenberg	Snowe
Collins	Leahy	Specter
Conrad	Levin	Stabenow
Corker	Lieberman	Stevens
Cornyn	Lincoln	Tester
Craig	Lott	Warner
Crapo	Lugar	Webb
Domenici	McCaskill	Whitehouse
Dorgan	Menendez	Wyden

NOT VOTING—6

Clinton	Feinstein	McCain
Dodd	Kennedy	Obama

The amendment (No. 3453) was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I recognize I did not prevail in that amendment, but I appreciate that debate and the managers allowing me time on the debate. I do have another amendment. I told them I would try to move my amendments, so I have another amendment I wish to offer.

Mr. President, what is the pending business?

AMENDMENT NO. 3454

The PRESIDING OFFICER. The pending business is the Lautenberg for Carper second-degree amendment.

Mr. SUNUNU. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. LAUTENBERG. Objection.

The PRESIDING OFFICER. At this moment there is not a sufficient second.

Mr. SUNUNU. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. We object.

The PRESIDING OFFICER. Objection is heard.

Mr. President, I think the bill manager does not have a copy. It was such a short amendment, I sort of assumed that multiple copies were made. If I can ask unanimous consent to speak on the topic of the amendment, to provide a little background.

Mr. BYRD. Would the Senator inform the Senate as to what the subject of his amendment is?

Mr. SUNUNU. I would be pleased to describe the amendment prior to it being offered.

Mr. President, this is one of the two amendments I filed in committee, but did not offer on the bill, because I wanted to allow a vote and debate on the floor rather than delay us unnecessarily in committee.

This is an amendment that addresses the question of competing on different routes within the Amtrak system. Under this legislation that is before us today, there is an allowance to have two routes competitively bid each year.

The managers think that is a good idea. I think that is a good idea. But I do not see why there needs to be a legal restriction on the number of routes that could be bid or sent out to bid under competition. This does not mandate that bids be put out to competition, but it certainly would allow that.

That is what my amendment is intended to do. At this time, I yield to wait for the copies to be distributed in a timely way.

Mr. President, at this time I believe copies have been distributed.

AMENDMENT NO. 3456

(Purpose: To remove the limitation on the number of Amtrak routes available for competitive bid)

Mr. President, I send an amendment to the desk, ask unanimous consent that any pending amendment be set aside, and ask for the immediate consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 3456.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, the Senator has an amendment?

Mr. SUNUNU. I do.

Mr. BYRD. Does he wish to have it read?

Mr. SUNUNU. I have submitted the amendment to the bill manager and to the clerk and asked that it be considered.

The PRESIDING OFFICER. The clerk has reported the amendment by number.

Mr. BYRD. Will the clerk read the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: On page 35, strike line 1 and all that follows through "(A)" on line 4 and insert the following:

"(b) IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 35, strike 11 through 16.

Mr. SUNUNU. Mr. President, I apologize again to the bill manager for not having a copy for him.

As was clear from the reading of the amendment, if nothing else was clear, it is a brief amendment. It strikes the line of the bill that would have placed a limit on the number of routes that could be allowed for a competitive bid.

That means it allows for an operator to offer to run that route at an effective cost with particular service goals in mind in order to provide service at or above the current quality of service at a lower cost. I think it would be a mistake to place an arbitrary restriction on the number of routes that could be competitively bid.

Certainly decisions about putting routes out to bid, or which routes are put out to bid, how they are done, would still be in the hands of the management team at Amtrak. I think that is as it should be. I appreciate the opportunity to offer the amendment. I ask that my colleagues support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we look forward to a full discussion of this amendment. We do provide in the bill an opportunity for a competitive review on two lines.

Whether it should be expanded is something we will want to talk about. We think that two lines each and every year can be competed for and reviewed by Amtrak. We have to examine it here. But our inclination is to oppose this. But we will have a discussion about it at such a time as we go to a vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Sununu amendment No. 3456.

AMENDMENT NO. 3455

Mr. ALLARD. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment 3455, the Allard amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 3455.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provisions repealing Amtrak's self-sufficiency requirements) Strike subsection (a) of section 219.

Mr. ALLARD. My amendment is very straightforward. Right now there is a provision in law saying that Amtrak is supposed to be financially self-sufficient. To be clear, the provision does not even apply to Amtrak as a whole. It only requires Amtrak to be operationally self-sufficient, presuming, of course, that the Federal Government will continue to provide capital subsidies.

I was surprised and even disheartened to learn that S. 294 would repeal this provision in law requiring Amtrak to become operationally self-sufficient. I strongly believe that this goal should be maintained.

My amendment would strike the provision in the bill that repeals the self-sufficiency goal.

I am quite puzzled that the Commerce Committee report noted:

This repeal is technical in nature and not meant to indicate that Amtrak should not strive to reduce its dependency on Federal funds or improve the efficiency of how it spends Federal funds as elaborated through this bill.

This statement makes no sense. If we repeal a provision calling on Amtrak to become self-sufficient, we are saying they have no need to reduce their dependency on the taxpayers. There is no other way to interpret it. We need to be crystal clear that we expect them to reduce their dependency on Federal funds, and the only way to do it is to maintain this provision in current law.

To be clear, even with the provision in law, Amtrak has made little progress toward becoming operationally self-sufficient. According to the Department of Transportation Office of Inspector General, Amtrak continues to incur substantial operating losses, and over the last 5 years, annual cash losses, excluding interest and depreciation, have fallen only modestly, a little more than 3 percent a year. But modest progress is not a reason to eliminate the operational self-sufficiency provi-

sions. Failure to meet a goal is not reason to lower the bar sufficiently to redefine success. Rather, it simply means that more work must go toward meeting their original goal.

The Office of Inspector General went on to say:

The problem with the current model exists beyond funding. There are inadequate incentives for Amtrak to provide cost-effective service. Amtrak, as the sole provider of intercity passenger rail service, has few incentives, other than the threat of budget cuts or elimination, for cost control or delivery of service in a cost-effective way. Amtrak has not achieved significant cost savings since its last reauthorization.

That is what the Inspector General had to say in his report. The question I have is, given that we have so few incentives for cost controls, why would we eliminate one of the few provisions in law calling on Amtrak to control their costs? While passenger rail has a role in an efficient, modern transportation infrastructure, I am concerned about how Amtrak has performed in providing that service. As my colleagues may know, I am a strong proponent of results and outcomes. Amtrak and other government-funded entities should not be judged based on how much they receive in Federal funding but the results they can demonstrate with those taxpayer dollars or the fees they charge passengers who ride their trains. In the case of Amtrak, I am afraid these results are not very impressive. In the administration's PART assessment, their tool for evaluating the effectiveness of programs, Amtrak was rated as ineffective. In fact, it was the only program in the entire Department of Transportation to receive an "ineffective" rating.

I want to be clear on what this rating means. From the administration's description ineffective, programs receiving this rating are not using taxpayer dollars effectively or the fees they are charging the passengers to use their services. That seems pretty clear to me, and I hope Members of this body will agree with me on that fact. If Amtrak is not being effective with the money they spend, it would make sense to reduce the money we spend there. Instead, we are talking about increasing their subsidies and eliminating provisions calling on Amtrak to be more careful in how they spend tax dollars. Again, that makes no sense. Right now Amtrak's Federal subsidy is nearly equal to its total ticket revenue per year. To put it a different way, for every dollar spent on a ticket, the rail passenger receives another dollar from the taxpayers.

Given the subsidies on some routes, taxpayers would save money by actually paying passengers to take another mode of transportation such as flying. Calling on Amtrak to become operationally self-sufficient is not about being antirail. It is about being for taxpayers and for those riders who use that service to hold down their costs. It is for efficiency and for common sense.

Even if Amtrak were to become operationally self-sufficient, it would continue to receive sufficient Federal subsidies under my amendment. According to the U.S. Department of Transportation, Amtrak is by far the most heavily subsidized mode of travel in the United States, even though it carries less than 1 percent of the intercity passenger market. Amtrak costs \$210.31 per passenger, per thousand miles, compared to \$4.66 for intercity buses and \$6.18 for commercial airlines. Because motorists pay far more in Federal user fees than they get back in Federal transportation spending, the U.S. Department of Transportation estimates that the Federal Government earns a profit of \$1.79 per passenger, per thousand miles from automobiles.

This bill proposes to spend \$11.3 billion on Amtrak. It is entirely reasonable for Congress and the American taxpayer and their passengers to tell Amtrak that they should work to reduce those subsidies. If we are too timid to even tell Amtrak to reduce their need for operational subsidies—remember, this is operational subsidies, not capital investment—how can we expect that they will ever do it? Many of us are parents and have worked to raise our children to become independent, self-sufficient people. When my daughters graduated from college, my wife and I expected them to get jobs to support themselves. If we had simply paid their rent, bought their groceries, paid their utilities, and given them spending money without any conditions or expectations of independence, why would they want to work and make the tough choices necessary for change? It is the same with Amtrak. Unless we are clear that we expect them to change and become operationally independent of the Federal Government, things will never change.

It is critical that we keep this goal in place for Amtrak. They must hear loudly and clearly from Congress and from America that they need to make the tough choices necessary to get out on their own. My amendment will ensure they hear this message.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from West Virginia.

Mr. BYRD. Madam President, would the Senator read his amendment again, please, for the edification of the Senate.

Mr. ALLARD. My amendment is actually very simple. I will ask the clerk to read the amendment, if she will.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

Strike subsection (a) section 219.

Mr. ALLARD. If I may address the Senator through the Chair.

Mr. BYRD. Yes, please.

Mr. ALLARD. The section I am repealing puts in some guidelines, and it is not date specific but it says that the

goal of Amtrak should be to become self-sufficient; in other words, work toward less subsidies from the Federal Government. For some reason or other that was taken out by the committee staff. It is appropriate we continue to keep that in law instead of repealing it. Since they are not driven by competitiveness within the fixed rail system, I encourage them to note that the Congress expects them to work for efficiency and to repeal it. I recall in Boston, for example, we had a situation where Amtrak runs through Boston and is part of their mass transit system. So a committee chair looked at a contract they let out for the Boston fixed rail. It was the most expensive contract, providing the least service to the passengers. This kind of provision is an incentive. It gives Members of Congress a way of expressing to Amtrak that we hope that they work for an efficient, effective system. I don't think it is particularly Draconian; at least I do not view it that way.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I have listened with interest to our colleague from Colorado. Since I have a son and two grandchildren who live in Colorado, they talk about how nice it would be for train service to run from Denver to Glenwood Springs and provide that kind of service. It would ease up the traffic on the highways in Colorado, Route 70, and others.

It would be nice if it was possible to reduce the subsidies, but the problem is, the world has proven in country after country that you cannot operate passenger rail service at a profit. You cannot carry the obligations that are required with a passenger rail system. My colleague will excuse me when I say this: It is kind of fallacious to even believe that it is possible. We tried it.

In 1997, our reauthorization bill said we should try to eliminate subsidies. We couldn't eliminate them. But I will tell my colleagues what did happen. Ridership has gone way up. That proves one thing; that is, that the railroads have to be there. We just had a vote on an amendment calling for the elimination of routes across the country which lost substantially. The fact is, the country desperately needs rail service. Our airlines are busy beyond capacity. Highways are busy beyond capacity. We are stuck in traffic all over. The railroad is finally beginning to find its way out.

What we have in our bill, for the edification of our friend from Colorado, is a goal to reduce operating subsidies by 40 percent in 6 years. That is a start.

I urge my colleague to let this take place. Let it happen. Let's see what goes on there. We have made all kinds of conditions of reform for the railroad, not ignoring the fact that there have been large subsidies but also recognizing that passenger rail service requires subsidy.

In the UK, for example, the Government decided to go private with its rail

system. They found out that things deteriorated rapidly. They weren't safe, and they weren't efficient. We are now beginning to see that Amtrak is attracting ridership as we have not seen it before, as 26 million people rode Amtrak last year. But so many burdens were placed on Amtrak: insufficient funding for capital in the first place, substantial outstanding indebtedness.

How did Amtrak get to be a national corporation? It got there in the early 1970s because the private sector couldn't handle it. There is no money to be made there, when you consider that freight railroads are making money and freight railroads often are an impediment to passenger rail service operating efficiently.

We are going through a review of what Amtrak ought to be. We know our equipment is not up to date. We know our trackage is not up to date. We know our signage is not up to date.

I had the opportunity to ride in the engine of a train from Paris to Brussels going to a NATO meeting. We cruised along at 300 kilometers, 180 miles an hour, and rode 200 miles in an hour and 20 minutes. It is that kind of service that could be offered if we could invest in bringing Amtrak up to date, and perhaps we could begin to see the results that would attract that kind of support.

Revenue increases have been taking place, so we are on a good track to make Amtrak more efficient, less costly, and more conscious of their operating expenses. But we have to be able to continue in that vein. If we said we demand there be a point in time when there are no more subsidies, we would not be being realistic. It can happen.

I hope if this comes to a vote, we will defeat it soundly. I think we have the votes to do that. I hope we can put this aside for now and give us a chance to go further on the debate and the review of the Amtrak bill as it is.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I wish to respond for a moment, if I might, to clarify. No. 1, I am a strong proponent of fixed rail. As chairman of the Housing and Transportation Subcommittee in Banking, I worked hard for mass transit and, obviously, fixed rail. So I agree that rail needs to be a vital part of our transportation system.

All this amendment does is put in law a goal we want self-sufficiency for—not capital investments. So as to the signage the Senator talks about, the rails on the ground that need to be laid, buying the new transportation, it does not apply to that. It applies to operational costs. It is not a hard line. We have been going for several years without meeting this goal.

I think we have done some work in that direction, but as far as I am concerned, the amount of efficiency has been pretty minimal. I think we can do more. Even if it is minimal, at least we can keep it in there so it continues to

encourage them to be more efficient and review processes and procedures they use in the operation of Amtrak. That is not capital investment. That is operational, things they can do to bring efficiency to their services, which I think is to the advantage of the rider, as well as to the taxpayers of this country.

I wanted to clarify that for the Senator from New Jersey.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 2229 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BARRASSO. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERNET TAX MORATORIUM

Mr. WYDEN. Mr. President, a large number of Senators of both parties are working in good faith to try to address this question of the Internet tax moratorium. I simply want to take a few minutes this afternoon to bring to light a new development in the discussion that I hope all Senators will keep in mind.

The Congressional Research Service—our independent group that analyzes policy matters—informed me this morning that because the other body, the House of Representatives, changed the definitions in the current Internet tax moratorium, it would be possible, under the language that was adopted by the other body, to tax various Web services, such as e-mail. I know no Member of the Senate who wishes to see that happen.

Mr. President, I ask unanimous consent at this time to have printed in the RECORD the memorandum the lawyers at the Congressional Research Service

sent me about the Internet tax moratorium.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,

Washington, DC, October 24, 2007.

MEMORANDUM

To: The Honorable Ron Wyden, Attention: Joshua Sheinkman.

From: John R. Luckey, Legislative Attorney, American Law Division.

Subject: Internet Tax Moratorium.

This memorandum is furnished in response to your request for an analysis of whether the definition of "internet access" in the Internet Tax Freedom Act Amendments (H.R. 3678) as passed by the House is more restrictive (would permit more activities to be taxed by the states) than that of the Internet Tax Moratorium which is set to expire on November 1, 2007.

The expiring moratorium defines "Internet access" to mean:

a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users. The term "Internet access" does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.

Exemption is provided for voice services over the Internet.

H.R. 3678 would define "Internet access" as follows:

The term "Internet Access"—

(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold (i) to provide such service; or (ii) to otherwise enable users to access content, information or other services offered over the Internet;

(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity; and

(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), or (C)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), or (C).

The language of H.R. 3678 would be more restrictive in at least two ways. First, the "enables users to connect" language of paragraph (A) would limit the moratorium to taxes upon the connection provider and services they provide under (B) and (C). Thus, if an Internet user utilized one provider to connect to the internet and another paid provider of, for instance, email services, the connection provider would be covered by the moratorium but not the paid email provider. Under the current moratorium, each would be covered.

Second, the exemption of paragraph (D) would allow the taxation of many more products and services than the existing exemption under the current §1108.

We hope this information is responsive to your request. If you have further questions, please call.

Mr. WYDEN. Mr. President, in reference to the language that came from the other body, which I am concerned about, the Congressional Research Service said:

... if an Internet user utilized one provider to connect to the internet and another paid provider of, for instance, email services, the connection provider would be covered by the moratorium but not the paid email provider. Under the current moratorium, each would be covered.

What that means is, if you are an American, for example, who gets your Internet access from Verizon, under the House language that would continue to be protected. But if you get your e-mail from, say, another provider—perhaps EarthLink or Google or Yahoo—under the language that was passed by the other body, that could be taxed, according to the Congressional Research Service. I do not think any Member of this body wants that to happen.

Also, reading further from the Congressional Research Service memorandum, they say it would also allow the taxation "of many more products and services than the existing exemption under the current moratorium."

The reason I wanted to bring this to light this afternoon is I know various proposals will be voted on next week. I will not be able to be here next week because of some very exciting news in our household, but I do want all Senators to be aware of what the Congressional Research Service has said. We have had the Internet tax moratorium now for a decade. I wrote the original law with now-SEC Chairman Christopher Cox, and it has worked well. The Internet has thrived and prospered. It is, of course, a technology treasure trove that we use for business, health opportunities, education, and a vast array of services.

We were told when the original proposal came out that it would, for example, be harmful to States, that they would lose revenue. That hasn't been the case. The States have gained in revenue for something like 16 straight quarters.

We heard it would be harmful to Main Street, to small businesses. That hasn't been the case either. In fact, most small businesses now look to something called "Bricks and Clicks" where they have a physical presence and an Internet presence.

We were also told it would be harmful to malls, as if our original proposal would empty the malls. That hasn't happened either. The moratorium has worked well, and I wish to make it permanent.

Frankly, the thing I am most concerned about this afternoon is the change in these definitions. The change in the definitions from the original moratorium, as outlined in this memo by the Congressional Research Service, ought to trouble every Senator as this

body considers the various alternatives that will be presented this upcoming week. I think the current definitions have served us well. They have allowed the net to thrive and prosper and they haven't caused damage to the States or to small businesses on Main Street or to the shopping malls. I see no reason for changing those current definitions.

I hope Senators will reflect on this language. Certainly it is going to be hard to explain to folks at home making changes that would open up the prospect, as the Congressional Research Service has said, for taxing e-mail. But an awful lot of Americans get their Internet access from one provider and they get their e-mail from somebody else. Given that, I wanted to make sure the Senate was aware of this, and that as the Senate considers this legislation, the issue of whether the moratorium should be made permanent is important, but even more important is getting this question of the definitions of what is covered in the moratorium right, because I don't believe any Senator wants to see happen what the Congressional Research Service has indicated this morning could happen under the bill that was passed by the other body.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, we need to invest in America's infrastructure. Today, America invests only three-tenths of 1 percent of our gross domestic product in public buildings and roads and bridges, ports and railroads. This abysmal figure is the lowest rate in the recent history of public investments dating back to at least the 1960s, and maybe before that. In Minnesota earlier this year, we saw some of the tragic consequences of the failure to invest in America.

I am glad to see the Sununu amendment was not agreed to. That amendment would have put a cap on our subsidies that Amtrak can utilize on its routes. In truth, however, such an amendment would put an end to all of Amtrak's long-distance trains within 5 years. By eliminating all of these essential rail services, the amendment would also lead to the slow but certain death of America's regional service as well.

The Nation receives extraordinary public benefits from mass transportation systems. They take thousands of cars off of our congested highways. They take tons of pollutants out of the air we breathe. They move people more efficiently into and out of our most congested areas. Such an amendment

and the veto threat issued by the White House both are based on wrong assumptions—that we should be taking management flexibility and financial resources away from Amtrak. We should be doing exactly the opposite. We need to invest in Amtrak, just as we need to invest in our bridges, buildings, ports, and other transit systems.

Amtrak operates approximately 90 trains daily in Maryland, mostly on the Amtrak-owned Northeast corridor, through Baltimore, Penn Station, and New Carrollton. In addition to the Northeast corridor service, including the Acela Express, Regional, and Metroliner trains, Amtrak operates five long-distance trains through Maryland, as well as two regional trains. More than 1.7 million passengers board and disembark in Maryland's Amtrak stations every year. Those numbers are increasing. Amtrak's fiscal 2007 ridership topped 25.8 million. That is the fifth year in a row that Amtrak has seen a growth in passenger service.

So our constituents want this service. They need this service. It is in our national interest to promote a more efficient passenger rail system. It also set a record for the highest ridership that Amtrak has seen since the National Railroad Passenger Corporation was enacted in 1971.

Amtrak employs more than 2,500 Marylanders, brings good jobs that range from corporate executives and accountants to trainmen and the men and women who operate and maintain the tracks. Amtrak operates weekday MARC commuter rail service on the Northeast corridor, including Washington, Baltimore, and Perryville, under a contract with the Maryland Transit Administration. It has a shared capital agreement with the State. Both Amtrak and the State of Maryland invest jointly in the improvements. The joint benefit program included the investment of \$28 million by the State in 2006.

Amtrak is part of the infrastructure backbone of Maryland. It carries millions of passengers, employs thousands of workers, and benefits all of us, both economically and environmentally. Let me underscore that.

Transit service is important for quality of life, so people can get from one place to another. It is certainly a lot easier if you are trying to get from Baltimore to New York to get on a train. It takes you right to downtown New York. You don't have to worry about going through the security of an airport. It is easier for people to use the rail service. But you are also helping our environment. It is a friendlier way for our energy and dealing with the environmental risks of transportation today to our environment. I was at a hearing yesterday regarding global climate change. Rail service will help us in dealing with the challenges of our environment. So it is in our environmental interest.

It is also in our economic interest. It helps us to become more energy effi-

cient. We import too much oil. We are dependent upon countries with policies with which we disagree. Amtrak is part of the solution by improving rail service in this country. So we will be helping the security of America, the economy of America, and certainly the environmental issues as well.

Mr. President, we need to rethink our approach to America's critical infrastructure. We need to reinvest in Amtrak. It is an investment in America that is long overdue. I urge my colleagues to support the legislation.

I thank the leadership in the Senate for bringing this issue forward. It will have my support.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise in strong support of the Passenger Rail Improvement and Investment Act of 2007. I thank my distinguished senior colleague from New Jersey, Senator LAUTENBERG, who, not only in this legislation but for some time, has been probably Amtrak's strongest advocate. Beyond being an advocate for Amtrak, which certainly is worthy of it, it is the advocacy over the course of the years of millions of riders who depend upon Amtrak to send their sales force to work, to promote their products along Amtrak's routes; those Americans who use Amtrak to get to some of the Nation's leading hospitals and research centers to try to be cured; those individuals who come to visit, for example, the Nation's Capital and do so through Amtrak and the tourism that is spread throughout that process; those who do financial transactions in commerce and lawyers—a whole host and universe of America's economy and people who use Amtrak to ultimately achieve the Nation's economic well-being. Senator LAUTENBERG has been at the forefront of that. I thank him and Senator LOTT for their efforts in guiding this important legislation to the floor.

Every year since 2002, Amtrak has had to continue operations on a yearly basis without adequate funds to maintain the rail system over the long term. It is almost like a starvation diet—keeping it up just enough to be temporarily alive but working it in such a way and cutting its funds in such a way that it can neither be successful nor fully survive. Right now, the system is at a breaking point. Amtrak's equipment is aging, and no amount of maintenance can keep cars built in the 1950s on the tracks.

Amtrak is not just a passenger rail system that serves 25 million people each year; Amtrak is also a program that reduces our greenhouse gas emissions, reduces congestion on our roadways, fights sprawl, creates jobs, and it fosters economic activity. I know firsthand the benefits of Amtrak because over 100,000 New Jersey commuters depend on Amtrak's infrastructure every day. There are many other commuter

rail systems in States that depend upon Amtrak's infrastructure as well to move very large amounts of their State's residents over the Amtrak lines.

Some critics want Amtrak to be the only major transportation system in the world that operates without Government subsidy. This standard is simply impossible to meet and a standard to which we do not hold any other mode of transportation. Over the past 35 years, we have spent less money on Amtrak than we will on highways in this year alone. So over the last three and a half decades, we have spent less money on Amtrak than we will spend on highways just in this year alone. When you factor in State and local subsidies for infrastructure and parking, some studies suggest that up to 8 percent of our gross national product is spent on subsidies for automobile use.

We have never committed the same support behind Amtrak as we have for other modes of transportation. This bill will finally give Amtrak a stable amount of authorized funds it needs over the next 6 years to adequately fund its operation and finance capital improvements.

At the same time, these funds aren't free. To get these funds, Amtrak will be forced to tighten its belt, while simultaneously improving service. The bill reduces Amtrak's annual appropriations need by requiring reforms that will reduce Amtrak's operating costs by 40 percent over the life of the bill.

In addition, the bill provides for \$1.4 billion for States to provide new passenger rail service between cities. In some instances, these State operations will likely provide service that complements existing Amtrak service just as the recent light rail projects we have seen in New Jersey have done. In other cases, these funds may actually create competition for Amtrak for service between some cities.

The bill will also require Amtrak to use a new financial accounting system so that regulators and legislators can better monitor how Amtrak uses its resources. This bill would also require Amtrak to use its resources to provide a new level of service by improving ontime performance, upgrading on-board services, and providing easier access to other transportation systems.

Finally, the bill will also require a systemwide security review to ensure that rail remains a safe transportation alternative. With record-high gasoline prices, congested highways, and airports that are experiencing record delays, we need all the alternative forms of transportation we can provide to a frustrated American traveler.

Mr. President, as someone who represents a State that saw the consequences of what happened on September 11, 2001, that fateful day, since then we have come to fully appreciate the importance of multiple modes of transportation in a security context.

We have always talked about transportation in the context of getting peo-

ple to work and jobs and economic opportunity. We have talked about sending sales forces of small and midsize businesses, using rail services to go to different cities, for intercity travel, so they can promote their products and services. We have talked about people who might get on a rail line to go to Johns Hopkins University Hospital or some of the great hospitals in New Jersey, such as Robert Wood Johnson or Hackensack University Medical Center, or the great hospitals in New York, to name one of the many route lines that give people access to such opportunities. We have talked about tourism and people being able to take Amtrak to go to different parts of the country to see the greatness of America. That has always been the focus we have had as it relates to rail passenger service or, for that fact, really transportation modes in general. But on September 11, and therefrom, we learned that multiple modes of transportation are critical to the Nation's security and well-being.

On that fateful day, when we had the attacks in New York and the plane that crashed in Pennsylvania and the incident that took place in Washington at the Pentagon—on that fateful day, when in the metropolitan region where there are millions of Americans living, where the tunnels were closed down, where the bridges were closed down, where the subway systems were closed down, it was a different mode of transportation that got people out of downtown Manhattan from the World Trade Center site and to hospitals to be triaged in my State of New Jersey. That particular mode of transportation happened to be ferries. The only way to get into intercity travel, when all of the airlines were shut down for that period of time, was Amtrak.

So we have learned a lesson that this is beyond economics. We have learned a lesson that this is beyond tourism and this is beyond getting people to great centers of research and medicine to be cured; it is also about security. If we do away with Amtrak, we do away with the ability to have another mode of transportation that is critical to our security blanket. We have to think about Amtrak in that way as well.

Finally, there are small communities in rural America in which the only entity that stops at their doorstep is Amtrak—the only entity that stops at their doorstep. Imagine being cut off from the rest of America, other than through a car, because no entity serves the opportunity to make your community the destination. Amtrak, as part of a national rail system, creates opportunities for many parts of America to finally realize that they, too, will have access to the rest of the country.

Mr. President, for all of these reasons, I urge my colleagues to recognize that a strong, well-funded Amtrak is an essential resource for our country in all of these dimensions. I urge my colleagues to give us a strong vote for the Passenger Rail Improvement and In-

vestment Act of 2007 and make sure that we reject amendments that would seek to undermine this critical asset for our economy, for our environment, for our health care and, yes, in a post-September 11 world, for our security. Let's make sure we send a strong message from the Senate that we will take second place to no one in the world in terms of having a strong passenger rail system and will unite our country by giving that opportunity for Amtrak to travel across the landscape of America and be able to meet all of these challenges.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3456

Mr. SUNUNU. Mr. President, I ask for the regular order regarding my amendment No. 3456.

The ACTING PRESIDENT pro tempore. That amendment is pending.

AMENDMENT NO. 3456, AS MODIFIED

Mr. SUNUNU. Mr. President, I send a modification of my amendment to the desk.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment, as modified, is as follows:

On page 35, strike line 20 and all that follows through "(A)" on line 23 and insert the following:

"(b)" IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 36, strike lines 6 through 11.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, have I been recognized?

The ACTING PRESIDENT pro tempore. Yes.

Mr. SUNUNU. Mr. President, I submitted to the desk a small technical modification of the amendment I offered that would strike the prohibition on allowing multiple routes to be competitively bid under the Amtrak system. In the legislation, there is competitive bidding allowed but for only two routes. I don't think we need to have such an arbitrary restriction. The technical modification makes sure the right portions of the bill, the right lines of the bill are referenced in the amendment. It is not a substantive change.

AMENDMENT NO. 3452

Mr. President, I also wish to address my amendment that deals with Internet taxes. I offered this amendment last night, and I offered it on this legislation because we have been unable to get a vote anywhere in the Senate on Internet tax moratorium.

What an Internet tax moratorium does is prevents States, cities, and towns from placing taxes on the cost of Internet access, whether it is for consumers, small businesses, large businesses—it doesn't matter. The Internet is a national and global system for communications. It is a national system for commerce and for business, and it should be protected from multiple taxation, from local taxation for a number of reasons.

First, it is interstate commerce and, frankly, if there are going to be taxes levied, that interstate commerce and interstate communication should be the responsibility of Congress.

Second, because those taxes would only discourage broadband deployment, it would raise costs for consumers and certainly have an impact on businesses that rely on Internet access as part of doing business.

We were supposed to have a markup in the Commerce Committee. The bill was pulled from the markup. This is not something that just came up. We implemented a ban on Internet taxes in 1998 that lasted for 5 years. We extended it in 2003 for another 4 years. This is something that has received bipartisan support in the House and the Senate. Over 240 Members of the House of Representatives, Democrats and Republicans, support making this ban on Internet access taxes permanent.

Given that we have seen no action and that the prohibition expires on November 1, less than a week from today, I am sure a lot of people across the country are wondering why is Congress so dysfunctional. Why has Congress not acted on something that has such broad bipartisan support that is going to expire in less than a week?

I cannot answer that question, but I can try to do something about it, and that is why I offered an amendment to this bill that would make that ban on Internet access taxes permanent. The way it does that is by taking legislation that passed the House by a very strong bipartisan vote, 405 to 2, and making that 4-year proposal a permanent proposal. We take the same approach to technical definitions, the same approach to grandfathering that existed for some States that taxed the Internet in the past, and simply make that legislation permanent.

There is also a second-degree amendment that was offered to my amendment—an amendment to my amendment—that would say we should not make this ban permanent; we should only make it 4 years. I think that is a mistake. Given that we have already extended the ban on Internet access twice, given that it has bipartisan support, given that we have been able to see how this law works and has worked effectively over the last 9 years, I don't think we need to keep passing short-term extensions. And, frankly, short-term extensions, whether they are 1 year, 2 years, or 4 years, is something the American public looks at, and it is baffling why we cannot find it within

ourselves the discipline, the will—whatever it takes—to make a good idea the permanent law of the land. It is high time we do that when it comes to banning Internet access taxes.

Senator WYDEN spoke earlier about this issue and suggested that the technical language in the bill passed by the other body was not perfect. That should come as a surprise to no one. There is no such thing as absolutely perfect legislation. But it was certainly good enough to get all but two Members of 435, all but two Members to vote for the legislation. It was certainly good enough to offer the same language as an amendment to my bill.

To suggest that this language is factually flawed is very much mistaken. But even if it were an issue that needed to be addressed, it will have to be addressed whether we pass a 4-year extension or a permanent extension. So to use that as an excuse to oppose making the Internet tax ban permanent, I think, is a mistake. It simply is wrong.

I would like to see the clearest possible language when it comes to service providers that are providing different kinds of Internet services but might not be providing Internet access as well. I even had an amendment ready to offer in committee to improve this language. As I indicated, Mr. President, we didn't have any amendments in committee because we didn't have any votes in committee because we didn't have any bill offered before the committee for a markup.

So that is where we find ourselves. We have a proposal in front of us in the way of an amendment to make permanent the ban on Internet access taxes using language that has been supported in a very strong bipartisan way in the House of Representatives, and we have an amendment to my proposal that would say: No, let's not make it permanent; let's do another short-term extension.

We have filed a cloture petition to bring debate on this particular issue to a close. That vote will happen tomorrow. And if cloture is invoked, we will have a vote on both amendments.

I have no problem voting on alternatives. And I have said this in different situations on different legislation in the past. What is most frustrating, as a Member of the Senate, is when there are procedural maneuverings used to prevent us from offering an amendment, having a vote on any given alternative. I do not mind voting on bills or legislation that I don't support. If you don't support something, you vote no and explain to people why you don't support it.

So we have both of these amendments before us, a cloture vote that will occur to bring debate to a close, and have the votes. And I certainly hope we vote cloture so we can have the votes and move forward on this very important issue.

I thank the Chair, and I yield the floor.

Mr. CARPER. Will the Senator yield?

Mr. SUNUNU. I yield to the Senator.

Mr. CARPER. I would invite the Senator from New Hampshire to engage in a brief colloquy. I have been listening to his comments. I think we have a couple of options, and there may be a better path for it than the one we are assuming today. We are talking about an amendment that the Senator had offered to the Amtrak bill, bringing the Internet tax issues to the reauthorization of Amtrak, and others of us would offer a second-degree amendment to that. There will be a cloture vote that will proceed either of those two amendments.

I think there is another alternative that I would ask my friend to consider, and that would be the chance—I think all along the Senator from New Hampshire has wanted an up-or-down vote on his proposal, which is fair game. I think our own leadership, and I think in consultation with your leadership, including with Senator LOTT, has suggested maybe one day next week we have an up-or-down vote—your proposal and the alternative of our proposal that Senator ALEXANDER and I and others would offer, which would provide for a 6-year extension for a moratorium on Internet taxation. For another 6 years we would provide for a 6-year extension of the grandfather—

Mr. SUNUNU. Mr. President, reclaiming my time, and I am happy to view the statement that was made in the form of a question so I can respond. That is what we will have if we invoke cloture tomorrow. We will have a vote on a 4-year extension and a vote on making the ban permanent. We can certainly have further discussions about the procedures and proposals off the Senate floor rather than negotiate a process or a procedure in a colloquy format, but I am sure the Senator from Delaware can appreciate the frustration that has put us in this position, given that no bill was offered in committee, no bill was offered in the Finance Committee, and in fact the legislation was pulled.

So I am pleased we are in a position now where tomorrow we will have exactly what the Senator from Delaware prescribes, and if there are other alternatives or proposals, I am certainly happy to listen to them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, while Senator SUNUNU is still on the floor, if I could add one other comment. Senator LOTT said at the beginning of the debate on this bill that folks are welcome, Democrats and Republicans, to come and offer their amendments, nongermane, if they are. But when we get to conference, he said: I will warn you right from the get-go, nongermane amendments that are offered to this bill might be attached to this bill when we get to conference, but they will not be in this bill when we come out.

So I would suggest to Senator SUNUNU that we consider the approach

I just outlined; that next week, maybe in the middle of next week, he would have the opportunity, with time for debate, to offer his proposal to make permanent the moratorium on taxing Internet access, and we would have the opportunity to offer an alternative, which would be a 6-year extension of the moratorium.

I will tell you why we think it is important. Five years ago, I never heard of VOIT, voice over Internet protocol. I had no idea what it was. I don't think anybody around here did. That is the ability to send telecommunications, telephone messages, over the Internet. It is a major change in the way we communicate on the telephone. The problem with making permanent this legislation is we assume there are not going to be any more technological changes. We are learning how to send cable TV, movies, and all kinds of stuff over the Internet. Traditionally, State and local governments have had the right to raise revenues as they see fit. In fact, we have an unfunded mandates law that says State and local governments have protection from us in Congress telling them how to spend their money or telling them how to raise their money. We passed a law that says we can't do that. I was Governor, actually, in 1995. I was Governor when we pushed for that sort of protection. Who are we in the Federal Government to tell States how they have to spend their money or how they can raise it? That is what was adopted in the unfunded mandates legislation in 1995.

We turned around in Congress 3 years later and said: By the way, we don't want folks to tax access to the Internet, and if you are already doing that in the United States, we are going to grandfather you in for a while, but we put in place, starting in 1998, this 3-year moratorium on other States beginning to tax access to the Internet—really trying to tax people's AOL bills.

The concern as we go forward, as we learn to do other things over the Internet other than sending e-mails and instant messaging and stuff, if we allow the bundling of services, including telephone services, including cable services, television services, the sort of thing that State and local governments have traditionally used to pay for education, pay for schools, pay for fire, pay for police, or pay for paramedics, if we aren't careful, we are going to basically preclude or reduce their ability to raise the revenue they need for the problems in their States.

So we are not smart enough—I am not smart enough, and I don't think any of us here are smart enough—to know for certainty what the technology is going to be in 5 years, 4 years, or 10 years. That is why we want the extension of the moratorium, to make sure people's access to the Internet is not going to be taxed, but what we don't want to do is to do something permanently because of the changing nature of technology.

So I think it makes sense next week for us to have the opportunity for Sen-

ator SUNUNU to come to the floor, offer his permanent moratorium amendment, and have the same opportunity for Senator ALEXANDER and myself, and Senator DORGAN, Senator FEINSTEIN, Senator ROCKEFELLER, Senator ENZI, and Senator VOINOVICH, and others who believe that a 6-year moratorium may be the better alternative for now. I hope we will have that opportunity.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I appreciate the interest of the Senator from Delaware in the issue, and I want to take the opportunity to respond to a couple of issues.

First, on the substantive issues: The Congress—the Federal Government—tells the States what they can or can't do on taxes all the time; not in every area, to be sure, and we shouldn't in every area. And if this permanent ban on Internet taxes passes, Internet-related businesses will still pay property taxes, payroll taxes, and business income taxes, but the network itself, access to the global network itself, will not be subject to taxes.

This is not that dissimilar from the fact that we prevent States from levying their own export taxes because it affects international trade and global commerce, and even interstate commerce. We don't allow States to arbitrarily tax flights from their State to other States or across the country for the same reason—because we view that as interstate commerce and an interstate transportation system. We even have restrictions on States' ability to impose tolls on interstate highways, all for the same reason.

So to suggest that we should never tell States how to handle matters of taxation is incorrect. We do it all the time. And we should do it on matters of interstate commerce, which is the responsibility—the constitutional responsibility—of the Congress.

Second, back to the issue of technology changing. Well, of course, technology changes things. And we may and do have to modify legislation from time to time with regard to evolving technology. Regulations or laws affecting the Federal Communications Commission—the FCC—laws regarding regulations of video, phone, Internet protocol services, we want to make sure they keep pace. But that doesn't mean every law we pass in these areas should be temporary, especially in matters of taxation, because the way we tax goods and services affects our entire economy.

Anyone who has worked in the area of technology is familiar with the R&D tax credit. The Congress continually passes 1- and 2-year extensions of the research and development tax credit, even though it passes almost unanimously in both Chambers every time. The American public looks at that and they wonder if our goal is to just make

a little bit of extra work for lobbyists. It is wrong to deal with our Tax Code on such a short-term basis, whether it is the research and development tax credit or Internet access taxes.

Finally, a couple of points about process. How easy it is to stand up on the Senate floor and say: Well, let's do the collegial thing and just take care of this next week. We had the Internet tax moratorium on the floor a few years ago. It made the moratorium permanent. The opponents of making the Internet moratorium permanent said: We are not quite ready. Could we take care of this next week or maybe the week after? And in good faith that bill was taken from the floor. Then the opponents of making the ban permanent prevented us from bringing the bill to the floor for another 9 months. Maybe it was even longer.

So it is easy to come and say we should take care of this next week, but the fact is that next week the moratorium expires. On November 1, the moratorium expires. Why can't we take care of it this week, with the votes that are currently pending, currently before us—not just for my amendment but for an alternative, an amendment to my proposal? I think that is more than fair.

Again, I will be happy to talk about alternatives. And since we were first scheduled to have a debate and markup on this legislation in the Commerce Committee, no one has come to me and proposed specific alternatives other than the amendment that has been offered to my proposal. And just now Senator CARPER said: Well, maybe not 4 years, maybe 6 years. And I know he means that in good faith, but there are other leaders, on the Commerce Committee and others, who have an important role to play that will also have to be part of those discussions, and none of them have approached me directly with an alternative.

So I hope we can resolve this. I hope my colleagues will support making the Internet tax moratorium permanent and support me in voting for cloture tomorrow morning so we can have those votes.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GLOBAL WARMING

Ms. KLOBUCHAR. Mr. President, I come to the floor today to talk about the scientific truth. Once again, the administration has kept all the facts from getting to the American people. On Tuesday, the Director of the Centers for Disease Control and Prevention, Dr. Julie Gerberding, testified before the Environment and Public Works Committee on the health impacts of global warming. The purpose of this hearing was to get all the facts

about the health threats global warming poses to our communities and our families. I thank Senator BOXER for her leadership of that committee, for her leadership on climate change. I am proud to be a member of the Environment and Public Works Committee, and we are doing some very good work in the climate change area. We actually have some legislation that we are considering in the next few weeks that I believe is good legislation. I don't believe we can wait to act.

I went to Greenland this summer and saw firsthand the water coming off these humongous glaciers like spigots. They have lost the size of Greenland and Arizona combined off the Greenland ice sheet. It is the canary in the coal mine for climate change.

There was a hearing this week. Unfortunately, the Director's initial testimony was not the testimony that was presented to the committee because her initial testimony did present the facts. As the Centers for Disease Control Director, she appears if you look at her initial testimony, to have taken seriously the mission of Centers for Disease Control which pledges to:

... base all public health decisions on the highest quality scientific data, openly and objectively derived.

But the testimony she gave at the committee fell short of that pledge because, as has been reported in the press, the administration eliminated much of Dr. Gerberding's draft testimony which highlighted the threats to public health posed by global warming.

It is only the latest incident in what has been a pattern of this administration in attempting to suppress science. Specifically, this administration deleted her testimony on the views of the Centers for Disease Control on several health impacts of global warming, including explanations and descriptions of the links to heat stroke, weather disasters, worsening air pollution and allergies, food- and water-borne infectious diseases, mosquito- and tick-borne infectious diseases, food and water scarcity, mental health problems, and even chronic disease.

The Centers for Disease Control is an important agency that the American people trust to protect their health and safety and provide reliable health information. Let me reiterate one of the central tenets of the mission of the Centers for Disease Control, to:

... base all public health decisions on the highest quality scientific data, openly and objectively derived.

Dr. Gerberding's original testimony included the following statement:

The United States is expected to see an increase in the severity, duration and frequency of extreme heat waves. This, coupled with an aging population, increases the likelihood of higher mortality as the elderly are more vulnerable to dying from exposure from excessive heat.

The President's spokesman claims they edited the testimony because:

there were broad characterizations about climate change science that didn't align

with the U.N. Intergovernmental Panel on Climate Change Report.

What did the Intergovernmental Panel on Climate Change Report state about the prospects of heat waves? It is important to remember that the IPCC is a very cautious group of scientists with a very conservative process for meticulously reviewing their conclusions through consensus. Their reports are produced by some 600 authors from 40 countries. Over 620 expert reviewers and a large number of Government reviewers also participated.

The IPCC stated:

Severe heat waves will intensify in magnitude and duration over the portions of the U.S. where they already occur . . . and:

Local factors, such as the proportion of elderly people, are important in determining the underlying temperature-mortality relationship in a population.

I ask you, how does this align? How does eliminating this from the Nation's leading public health official's testimony benefit Americans?

Let me cite another example that was deleted from her testimony. Dr. Gerberding's original testimony stated:

The west coast of the United States is expected to experience significant strains on water supplies as regional precipitation declines and mountain snowpacks are depleted. Forest fires are expected to increase in frequency, severity, distribution and duration.

So as the wildfires rage out West, the President, his administration, is censoring testimony in the East.

Global warming does not cause these fires, but they certainly intensify the three main causes of wildfires: high temperature, summer dryness, and long-term drought. Southern California has experienced all three and is now suffering the consequences.

Again, we go back to what the President's spokesperson said yesterday when asked about this. She said they had to look at that testimony and make sure it was consistent with what the IPCC had said. In fact, that was the reason she gave for why they had censored it. Let's see what the IPCC said about forest fires. They, the IPCC, in their fourth assessment report, found that:

... warm spells and heat waves will very likely increase the danger of wildfire.

That is what they said, the IPCC, that it would increase the danger of wildfire.

Then you have the head health official for our Government, the Centers for Disease Control, in her original testimony, saying it would increase the danger of forest fires. Pretty similar.

As these fires are raging in southern California and as we are seeing all across the country record high temperatures, record summer dryness, and long-term drought, the administration chose to redact, to delete portions of the testimony of their Director of Disease Control, which in fact predicted this would happen. We have not just seen large forest fires in California this year. We saw them in northern Min-

nesota. I was there shortly after these fires in the Ham Lake area in northern Minnesota devastated areas, burned down homes, and went way up to Canada. I was meeting up there with resort owners, with residents, and we were talking about the disaster relief, we were talking about when they are going to get their phone lines, we were talking about the effects on their business up there. Do you know what some of them wanted to talk about in the midst of all this disaster and burned trees? They wanted to talk about climate change because they had seen what was happening. There was a 30-percent reduction in profits at the ski resorts; forest fires raging—they knew something was wrong. Yet the administration is deleting the scientific prediction that is saying that exactly this will happen.

This is not the time for this administration to be censoring information. It is the time, instead, to look seriously at the health and other impacts of global warming and to take the steps we need to address them. I am proud to be part of a committee, under the leadership of Senator BOXER, that is no longer talking about whether climate change exists but talking about how to solve it.

We will continue to investigate the reasons this was deleted. We will continue to request information and get to the truth. But the main thing I would like to say today to my colleagues is that the American people know that something is wrong. They want us to solve it. You can't hide the facts anymore. You can't bury them as forest fires are raging and sea levels are rising and temperatures are rising. You can't bury the facts. You have to get to the solution.

Mr. CARDIN. Mr. President, 2 days ago the Environment and Public Works Committee held a hearing on the Health Impacts of Global Warming. Our lead witness was Dr. Julie L. Gerberding, the Director of the Centers for Disease Control and Prevention and the Administrator for the Agency for Toxic Substances and Disease Registry within the Department of Health and Human Services.

Dr. Gerberding was invited to testify by Chairman BOXER because the Director is a highly respected leader in the public health arena. The committee wanted to have the benefit of her expertise as we grapple with one of the most important issues of our time, global climate change.

As everyone now knows, Dr. Gerberding's written testimony for the hearing was severely edited, with whole pages deleted. The White House says that some of her written comments did not represent the consensus view of the scientific community.

The very first line that the White House censored in Dr. Gerberding's testimony was this: "Scientific evidence supports the view that the earth's climate is changing."

If that statement doesn't represent the overwhelming sentiment of the

world's scientific community, I don't know what does. I find it astounding that this simple, sober statement of scientific fact would be censored.

These continuing efforts to silence the scientific community would be laughable if the stakes weren't so high. In the censored portions of her testimony, Dr. Gerberding lists them for us: direct effects of heat; health effects related to extreme weather events; air pollution-related health effects; allergic diseases; water- and food-borne infectious diseases; vector-borne and zoonotic diseases; food and water scarcity, at least for some populations; mental health problems; and long-term impacts of chronic diseases and other health effects.

Mr. President, I found Dr. Gerberding's oral testimony to be excellent. She answered my questions directly and without qualifications. Her responses to the other Senators on the panel appeared to be equally candid.

Oral testimony is always limited by time, and committees rely heavily on the written comments of witnesses to provide a more complete perspective. Because of votes on the Senate floor on Tuesday morning, we were especially constrained by time.

I regret that we did not have the benefit of Dr. Gerberding's full statement prior to the hearing. Certainly, they would have added a more complete picture of the human health impacts associated with global warming than she was able to convey in the highly censored version that was transmitted to the committee.

The American people and the U.S. Senate have a right to know what our top health officials have to say on this critical issue. Today I will be submitting to the RECORD a full copy of the testimony that Dr. Gerberding had intended to offer. Her views are critical to this debate.

Science shouldn't be silenced. And today we will make sure Dr. Gerberding's words are heard.

I ask unanimous consent that the full text of her draft testimony be printed into today's RECORD. The American people can read for themselves what the Director of the Centers for Disease Control and Prevention had to say before the White House censors tried to silence her.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLIMATE CHANGE AND PUBLIC HEALTH INTRODUCTION

Good morning Madam Chairwoman, Senator Inhofe, and other distinguished members of the Committee. It is a pleasure to appear before you as Director of the Centers for Disease Control and Prevention (CDC), the Nation's leading public health protection agency located within the Department of Health and Human Services. Thank you for the opportunity to present testimony on climate change and human health and to highlight the role of CDC in preparing for and responding to the health effects of climate change.

BACKGROUND

The health of all individuals is influenced by the health of people, animals, and the en-

vironment around us. Many trends within this larger, interdependent ecologic system influence public health on a global scale, including climate change. The public health response to such trends requires a holistic understanding of disease and the various external factors influencing public health. It is within this larger context where the greatest challenges and opportunities for protecting and promoting public health occur.

Scientific evidence supports the view that the earth's climate is changing. A broad array of organizations (federal, state, local, multilateral, faith-based, private and non-governmental) is working to address climate change. Despite this extensive activity, the public health effects of climate change remain largely unaddressed. CDC considers climate change a serious public health concern.

CLIMATE CHANGE IS A PUBLIC HEALTH CONCERN

In the United States, climate change is likely to have a significant impact on health, through links with the following outcomes: Direct effects of heat, health effects related to extreme weather events, air pollution-related health effects, allergic diseases, water- and food-borne infectious diseases, vector-borne and zoonotic diseases, food and water scarcity, at least for some populations, mental health problems, and long-term impacts of chronic diseases and other health effects.

The United States is a developed country with a variety of climates. Because of its well developed health infrastructure, and the greater involvement of government and non-governmental agencies in disaster planning and response, the health effects from climate change are expected to be less significant than in the developing world. Nevertheless, many Americans will likely experience difficult challenges. Catastrophic weather events such as heat waves and hurricanes are expected to become more frequent, severe, and costly; the U.S. population is anticipated to continue to age and move to vulnerable locations such as coastal areas, increasing exposures to specific risks; and concurrent challenges such as water scarcity in certain regions could limit our resilience. In addition, climate change is likely to alter the current geographic distribution of some vector-borne and zoonotic diseases; some may become more frequent, widespread, and outbreaks could last longer, while others could be reduced in incidence.

Heat stress and direct thermal injury

One of the most likely climate change projections is an increase in frequency of hot days, hot nights, and heat waves. The United States is expected to see an increase in the severity, duration, and frequency of extreme heat waves. This, coupled with an aging population, increases the likelihood of higher mortality as the elderly are more vulnerable to dying from exposure to excessive heat. Midwestern and northeastern cities are at greatest risk, as heat-related illness and death appear to be related to exposure to temperatures much hotter than those to which the population is accustomed.

Extreme weather events

Climate change is anticipated to alter the frequency, timing, intensity, and duration of extreme weather events, such as hurricanes and floods. The health effects of these extreme weather events range from loss of life and acute trauma, to indirect effects such as loss of home, large-scale population displacement, damage to sanitation infrastructure (drinking water and sewage systems), interruption of food production, damage to the health-care infrastructure, and psychological problems such as post traumatic stress disorder. Displacement of individuals often results in disruption of health care, of

particular concern for those with underlying chronic diseases. Future climate projections also show likely increases in the frequency of heavy rainfall events, posing an increased risk of flooding events and overwhelming of sanitation infrastructure.

Air pollution-related health effects

Climate change can affect air quality by modifying local weather patterns and pollutant concentrations, affecting natural sources of air pollution, and promoting the formation of secondary pollutants. Of particular concern is the impact of increased temperature and UV radiation on ozone formation. Some studies have shown that higher surface temperatures, especially in urban areas, encourage the formation of ground-level ozone. As a primary ingredient of smog, ground-level ozone is a public health concern. Ozone can irritate the respiratory system, reduce lung function, aggravate asthma, and inflame and damage cells that line the lungs. In addition, it may cause permanent lung damage and aggravate chronic lung diseases.

Allergic diseases

Studies have shown that some plants, such as ragweed and poison ivy, grow faster and produce more allergens under conditions of high carbon dioxide and warm weather. As a result, allergic diseases and symptoms could worsen with climate change.

Water- and food-borne infectious diseases

Altered weather patterns resulting from climate change are likely to affect the distribution and incidence of food- and water-borne diseases. Changes in precipitation, temperature, humidity, and water salinity have been shown to affect the quality of water used for drinking, recreation, and commercial use. For example, outbreaks of *Vibrio* bacteria infections following the consumption of seafood and shellfish have been associated with increases in temperatures. Heavy rainfall has also been implicated as a contributing factor in the overloading and contamination of drinking water treatment systems, leading to illness from organisms such as *Cryptosporidium* and *Giardia*. Storm water runoff from heavy precipitation events can also increase fecal bacterial counts in coastal waters as well as nutrient load, which, coupled with increased sea-surface temperature, can lead to increases in the frequency and range of harmful algal blooms (red tides) and potent marine biotoxins such as ciguatera fish poisoning.

Vector-borne and zoonotic diseases

Vector-borne and zoonotic diseases, such as plague, Lyme disease, West Nile virus, malaria, hantavirus pulmonary syndrome, and dengue fever have been shown to have a distinct seasonal pattern, suggesting that they are weather sensitive. Climate change-driven ecological changes, such as variations in rainfall and temperature, could significantly alter the range, seasonality, and human incidence of many zoonotic and vector-borne diseases. More study is required to fully understand all the implications of ecological variables necessary to predict climate change effects on vector-borne and zoonotic diseases. Moderating factors such as housing quality, land-use patterns, and vector control programs make it unlikely that these climate changes will have a major impact on tropical diseases such as malaria and dengue fever spreading into the United States. However, climate change could aid in the establishment of exotic vector-borne diseases imported into the United States.

Food scarcity

Climate change is predicted to alter agricultural production, both directly and indirectly. This may lead to scarcity of some foods, increase food prices, and threaten access to food for Americans who experience food insecurity.

Mental health problems

Some Americans may suffer anxiety, depression, and similar symptoms in anticipating climate change and/or in coping with its effects. Moreover, the aftermath of severe events may include post-traumatic stress and related problems, as was seen after Hurricane Katrina. These conditions are difficult to quantify but may have significant effects of health and well-being.

CLIMATE CHANGE VULNERABILITY

The effects of climate change will likely vary regionally and by population. The northern latitudes of the United States are expected to experience the largest increases in average temperatures; these areas also will likely bear the brunt of increases in ground-level ozone and associated airborne pollutants. Populations in mid-western and northeastern cities are expected to experience more heat-related illnesses as heat waves increase in frequency, severity, and duration. Coastal regions will likely experience essentially uniform risk of sea level rise, but different rates of coastal erosion, wetlands destruction, and topography are expected to result in dramatically different regional effects of sea level rise. Distribution of animal hosts and vectors may change; in many cases, ranges could extend northward and increase in elevation. For some pathogens associated with wild animals, such as rodents and hantavirus, ranges will change based on precipitation changes. The west coast of the United States is expected to experience significant strains on water supplies as regional precipitation declines and mountain snowpacks are depleted. Forest fires are expected to increase in frequency, severity, distribution, and duration.

The health effects of climate change on a given community will depend not only on the particular exposures it faces, but also on the underlying health status, age distribution, health care access, and socioeconomic status of its residents. Local response capacity will also be important. As with other environmental hazards, members of certain ethnic and racial minority groups will likely be disproportionately affected. For example, in low-lying coastal communities facing increasingly frequent and severe extreme precipitation events, there could be increased injuries, outbreaks of diarrheal disease, and harmful algal blooms; saltwater may intrude into freshwater tables and infrastructure is likely to be damaged by severe storms, hampering economic recovery. In certain Southern coastal communities with little economic reserve, declining industry, difficulty accessing health care, and a greater underlying burden of disease, these stressors could be overwhelming. Similarly, in an urban area with increasingly frequent and severe heat waves, certain groups are expected to be more affected: the home-bound, elderly, poor, athletes, and minority and migrant populations, and populations that live in areas with less green space and with fewer centrally air-conditioned buildings are all more vulnerable to heat stress.

Some populations of Americans are more vulnerable to the health effects of climate change than others. Children are at greater risk of worsening asthma, allergies, and certain infectious diseases, and the elderly are at higher risk for health effects due to heat waves, extreme weather events, and exacerbations of chronic disease. In addition, people of lower socioeconomic status are particularly vulnerable to extreme weather events. Members of racial and ethnic minority groups suffer particularly from air pollution as well as inadequate health care access, while athletes and those who work outdoors are more at risk from air pollution, heat, and certain infectious diseases.

Given the differential burden of climate change's health effects on certain populations, public health preparedness for climate change must include vulnerability assessments that identify the most vulnerable populations with the most significant health disparities and anticipate their risks for particular exposures. At the same time, health communication targeting these vulnerable populations must be devised and tested, and early warning systems focused on vulnerable communities should be developed. With adequate notice and a vigorous response, the ill health effects of many exposures from climate change can be dampened.

PUBLIC HEALTH PREPAREDNESS FOR CLIMATE CHANGE

Climate change is anticipated to have a broad range of impacts on the health of Americans and the nation's public health infrastructure. As the nation's public health agency, CDC is uniquely poised to lead efforts to anticipate and respond to the health effects of climate change. Preparedness for the health consequences of climate change aligns with traditional public health contributions, and—like preparedness for terrorism and pandemic influenza—reinforces the importance of a strong public health infrastructure. CDC's expertise and programs in the following areas provide the strong platform needed:

Environmental Public Health Tracking: CDC has a long history of tracking occurrence and trends in diseases and health outcomes. CDC is pioneering new ways to understand the impacts of environmental hazards on people's health. For example, CDC's Environmental Public Health Tracking Program has funded several states to build a health surveillance system that integrates environmental exposures and human health outcomes. This system, the Tracking Network, will go live in 2008, providing information on how health is affected by environmental hazards. The Tracking Network will contain critical data on the incidence, trends, and potential outbreaks of diseases, including those affected by climate change.

Surveillance of Water-borne, Food-borne, Vector-borne, and Zoonotic Diseases: CDC also has a long history of surveillance of infectious, zoonotic, and vector-borne diseases. Preparing for climate change will involve working closely with state and local partners to document whether potential changes in climate have an impact on infectious and other diseases and to use this information to help protect Americans from the potential change in of a variety of dangerous water-borne, food-borne, vector-borne, and zoonotic diseases. CDC has developed ArboNet, the national arthropod-borne viral disease tracking system. Currently, this system supports the nationwide West Nile virus surveillance system that links all 50 states and four large metropolitan areas to a central database that records and maps cases in humans and animals and would detect changes in real-time in the distribution and prevalence of cases of arthropod-borne viral diseases. CDC also supports the major foodborne surveillance and investigative networks of FoodNet and PulseNet which rapidly identify and provide detailed data on cases of foodborne illnesses, on the organisms that cause them, and on the foods that are the sources of infection. Altered weather patterns resulting from climate change are likely to affect the distribution and incidence of food- and water-borne diseases, and these changes can be identified and tracked through PulseNet.

Geographic Information System (GIS): At the CDC, GIS technology has been applied in unique and powerful ways to a variety of public health issues. It has been used in data collection, mapping, and communication to

respond to issues as wide-ranging and varied as the World Trade Center collapse, avian flu, SARS, and Rift Valley fever. In addition, GIS technology was used to map issues of importance during the CDC response to Hurricane Katrina. This technology represents an additional tool for the public health response to climate change.

Modeling: Currently sophisticated models to predict climate and heat exist. For example, CDC has conducted heat stroke modeling for the city of Philadelphia to predict the most vulnerable populations at risk for hyperthermia. Modeling and forecasting represent an important preparedness strategy, in that it can help predict and respond to the most pressing health vulnerabilities at the state and local level. Armed with modeling data, we can target response plans for heat and other extreme weather events to the most vulnerable communities and populations.

Preparedness Planning: Just as we prepare for terrorism and pandemic influenza, we should use these principles and prepare for health impacts from climate change. For example, to respond to the multiple threats posed by heat waves, the urban environment, and climate change, CDC scientists have focused prevention efforts on developing tools that local emergency planners and decision-makers can use to prepare for and respond to heat waves. In collaboration with other Federal partners, CDC participated in the development of an Excessive Heat Events Guidebook, which provides a comprehensive set of guiding principle and a menu of options for cities and localities to use in the development of Heat Response Plans. These plans clearly define specific roles and responsibilities of government and nongovernmental organizations during heat waves. They identify local populations at increased high risk for heat-related illness and death and determine which strategies will be used to reach them during heat emergencies.

Training and Education of Public Health Professionals—Preparing for the health consequences of climate change requires that professionals have the skills required to conceptualize the impending threats, integrate a wide variety of public health and other data in surveillance activities, work closely with other agencies and sectors, and provide effective health communication for vulnerable populations regarding the evolving threat of climate change. CDC is holding a series of five workshops to further explore key dimensions of climate change and public health, including drinking water, heat waves, health communication, vector-borne illness, and vulnerable populations.

Health Protection Research: CDC can promote research to further elucidate the specific relationships between climate change and various health outcomes, including predictive models and evaluations of interventions. Research efforts can also identify the magnitude of health effects and populations at greatest risk. For example, CDC has conducted research on the relationship between hantavirus pulmonary syndrome and rainfall, as well as research assessing the impact of climate variability and climate change on temperature-related morbidity and mortality. This information will help enable public health action to be targeted and will help determine the best methods of communicating risk. CDC can serve as a credible source of information on health risks and actions that individuals can take to reduce their risk. In addition, CDC has several state-of-the-art laboratories conducting research on such issues as chemicals and human exposure, radiological testing, and infectious diseases. This research capacity is an asset in working to more fully understand the health consequences of climate change.

Communication: CDC has expertise in health and risk communication, and has deployed this expertise in areas as diverse as smoking, HIV infection, and cancer screening. Effective communication can alert the public to health risks associated with climate change, avoid inappropriate responses, and encourage constructive protective behaviors.

While CDC can offer technical support and expertise in these and other activities, much of this work needs to be carried out at the state and local level. For example, CDC can support climate change preparedness activities in public health agencies, and climate change and health research in universities, as is currently practiced for a variety of other health challenges.

CONCLUSION

An effective public health response to climate change can prevent injuries, illnesses, and death and enhance overall public health preparedness. Protecting Americans from the health effects of climate change directly correlates to CDC's four overarching Health Protection Goals of Healthy People in Every Stage of Life, Healthy People in Healthy Places, People Prepared for Emerging Health Threats, and Healthy People in a Healthy World.

While we still need more focus and emphasis on public health preparedness for climate change, many of our existing programs and scientific expertise provide a solid foundation to move forward. Many of the activities needed to protect Americans from the health effects of climate change are mutually beneficial for overall public health. In addition, health and the environment are closely linked, as strongly demonstrated by the issue of climate change. Because of this linkage it is also important that potential health effects of environmental solutions be fully considered.

Thank you again for the opportunity to provide this testimony on the potential health effects of global climate change and for your continued support of CDC's essential public health work.

Mr. CARDIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADMINISTRATION SPENDING PRIORITIES

Mrs. MURRAY. Mr. President, over the past few months we have sent the President critical legislation that invests in our country's transportation, economy, health and safety needs. Funding these priorities will make our country safer, our communities healthier, and our economy stronger. Unfortunately, it seems the President doesn't share these priorities. He has proposed to this Congress harmful budget cuts, and now he says he is going to veto several of these vital bills because we are asking for \$22 billion more than he requested. He says our domestic spending is "irresponsible and excessive."

I personally find that hard to understand when, at the same time as he is saying that, he wants \$196 billion in emergency spending for the wars in Iraq and Afghanistan. By the way, that does not include any money for our

veterans. In fact, the \$22 billion we want to invest at home represents less than what the President spends in Iraq in 3 months. That, not these bills, is what I think is irresponsible and excessive. We have to make sure we are not ignoring our needs here at home. The appropriations bills have the support of both parties. They ensure that our roads and our bridges, our airports, our railways are in good condition. They assure that our workers and families are healthy and our children have a chance to succeed. They assure that we have enough law enforcement officers to keep our communities safe. These bills simply restore some of the money the President cut and take a modest step forward after years of going in the wrong direction.

A healthy transportation system is vital to a healthy community. We need to ensure that our families can get to school or get to work and that goods move from place to place. But when he says no to our bill that provides money for transportation and housing and urban development, what the President is saying no to is the investments that ensure that our communities are strong, that prevent disasters—such as the bridge collapse in Minneapolis—from happening in this country again.

I am baffled, frankly, that the President's request for the war includes about \$200 million for the construction of secondary roads in Afghanistan. He wants to spend \$200 million on roads in Afghanistan but he is upset about our amendment to fix bridges in the United States.

Clearly, this administration thinks these projects are a priority for Iraq and a priority for Afghanistan; otherwise, the President would not have included them in his emergency spending bill for the war. So I ask, why doesn't the President think the roads and bridges are a priority in our country, in the United States?

At the same time the President is waging war overseas, we are here trying to make sure our employers have workers, that our families have access to health care, that our children get a good education. Tuesday night an overwhelming majority of this Senate voted to spend \$11 billion over the President's request on Labor, Health and Human Services and Education programs so we could do that. That bill we passed would invest in cutting-edge medical research for diseases such as Alzheimer's and diabetes and cancer, research that brings hope to millions of Americans. In taking that vote the other evening, a bipartisan group of Senators agreed to restore funds for education, for jobs training, for health systems, when President Bush would have left them to cope with yet another year of unfunded mandates and empty promises.

The children's health insurance bill that we approved earlier this year also is intended to help millions of our children. That bill, too, achieved a majority of support in the House and in the

Senate but not from the President. Those bills would make Americans healthier and the economy more competitive. But the President disagrees. He says these programs are "irresponsible and excessive."

But guess what he proposes in his \$196 billion request for Iraq and Afghanistan. He asks for \$25 million for economic development projects to foster job creation—in Iraq. And \$60 million to fund economic projects to sustain development in the tribal areas of Pakistan.

Let me say it another way. He plans to veto job creation and economic development right here at home, but he is asking us to spend millions of dollars in emergency funding on similar programs in Iraq and Afghanistan.

The President says \$196 billion that he is requesting for the war is necessary to make our world safer. We believe we also need to invest more in safety here at home. Our bill funding Commerce, Justice and Science programs works hard to ensure that our communities have enough FBI agents and police on our streets here at home. Like the other programs we want to fund, that bill restores the cuts that the President had proposed. Few bills are as important to the safety of our communities as that one.

I am especially concerned that the President is threatening to veto that bill because of how it affects my home State and the Nation. Six years after 9/11, the administration still has not replaced 2,400 law enforcement agents across the country that it reassigned to counterterrorism after 9/11.

In my home State of Washington, we were hit very hard by that. According to an investigation by the Seattle Post-Intelligencer, our Seattle newspaper, we have a critical shortage of FBI agents: 2.1 agents for every 100,000 residents or about half the national average.

The shift to counterterrorism has left our law enforcement shorthanded. Local police and sheriffs told me that the FBI has "virtually disappeared" from white-collar crime investigations. They told me the FBI does not have the resources today to adequately staff antigang task forces.

Criminals have not stopped robbing our banks or dealing drugs or stealing identities. An amendment I included in that bill would take steps to get more FBI agents into my community and wherever they are needed.

But the President said he is going to veto that bill. In so doing, he is going to veto our amendment. If we can spend \$10 billion a month for the war in Iraq, we should be willing to spend a fraction of that to ensure the security of our citizens at home.

Clearly, the President is the one who is being "excessive" and "irresponsible." This might be an abstract debate about Federal funding for the President, but I think all of us know here it is about real people; it is about hard-working parents who are searching for a way to get health care for

their own families when it has not been provided by their employers. It is about citizens out of traffic jams, and ensuring that our roads and bridges are safe to drive on. It is about making sure the people we represent can trust that enough law enforcement officers will be there to fight crime in their neighborhoods.

When I travel around Washington State, people tell me they want hope and they want change. Whether it is the war in Iraq or gas prices or access to health insurance, people today feel a real weight on their shoulders. They are looking for a light at the end of the tunnel. By vetoing those important bills, and failing to invest in the safety, health, and economic future of all Americans, the President keeps putting out that light. We are investing \$22 billion over last year in the future of our country.

I urge all of my colleagues to support these bills as we move forward on behalf of the millions of American children and families who would benefit. I hope the President is listening.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

IRAN

Mr. DURBIN. Mr. President, the bill before us is a very important bill for our country. It is the reauthorization of the Amtrak operation which serves Illinois and most of our Nation very well. It is one of the most successful modes of transportation in terms of growth in our country.

In the last year the ridership on Amtrak in Illinois has doubled. Doubled. That is an indication of a commitment, not only from the State of Illinois to make that happen, but also with the price of gasoline a lot of people are discovering the train again. They are back on those trains traveling between St. Louis and Chicago, Quincy and Chicago, Carbondale and Chicago, students, families, business people. That is a good thing.

I salute Senators Lautenberg and Lott for bringing this authorization bill to the floor. I definitely want it to pass as quickly as possible. I hope we will show the support for Amtrak which has been lacking for some time in the past but in the future needs to be there.

I want to discuss an amendment which I am going to offer which has nothing to do with Amtrak, and perhaps it will not be allowed at this moment in time in the debate. But I will offer it because I think it is timely, and I offer it because if it is not allowed on this bill at this time, I hope we will have a chance to bring it up in the very near future.

I can recall a little over 5 years ago, on the floor of the Senate, when we debated the invasion of Iraq. Those votes are historic and very personal. Members who were called on to make those decisions will never forget the anguish they face when they have to decide whether to send our Nation to war. We

know it is the most important vote that can be cast. We know even under the best of circumstances Americans will die if we go to war. We hope our enemy will be vanquished, but we know that innocent people will also die.

A little over 5 years ago, that decision was made on the floor of the Senate to go forward with the invasion of Iraq. There were many of us who had serious misgivings about that decision. I was one of 23 Senators, 22 on the Democratic side, 1 on the Republican side, who voted against the authorization of military force.

I felt the President had not made a strong case for that invasion. I felt he did not have a sound plan for an invasion and a victory. I felt the American people had been misled; misled about Saddam Hussein, misled about weapons of mass destruction, misled about the impact of this almost unilateral invasion by the United States into Iraq.

Well, here we are in the fifth year of the war, over 3,800 Americans have been killed, 30,000 injured, more than 10,000 seriously injured, with amputations and serious burns, traumatic brain injury. With the President's latest request, the spending on the war in Iraq will reach three-quarters of a trillion dollars. In 5 years, three-quarters of a trillion dollars, \$750 billion; money, which if spent in the United States on Amtrak, on medical research, on health care, on education, would have had a dramatic, historic impact, a positive impact on America.

But, no, it was spent in the course of a war that has no end in sight. Our men and women in uniform have shown extraordinary bravery and courage under amazing, trying circumstances in the civil war we never bargained for.

When we went to war in Iraq, the President said the reasons were clear: first, depose Saddam Hussein; second, to rid our world of his weapons of mass destruction; and, third, to protect threats against America's security.

Here we are almost 5 years later with Saddam Hussein gone, no weapons of mass destruction, and the only threat to America's security being the threat to our own soldiers and occupational forces in Iraq.

The debate seems to have moved from Iraq to another neighboring country, at least in the eyes of the White House, that is, the country of Iran. We continue to hear the most bellicose, warlike statements coming from the President and Vice President about the potential for the invasion of Iran.

Make no mistake, Iran cannot be ignored. It has fostered a foreign policy that supports some of the worst actors in the Middle East, from Hezbollah to Hamas. It is pursuing a nuclear program despite international condemnation. It has threatened to wipe our strong ally Israel off the map. There is plenty of evidence to suggest Iran is complicit in supplying training and materials for attacks against our soldiers in Iraq.

Senator GORDON SMITH of Oregon and I have introduced bipartisan legisla-

tion, the Iran Counterproliferation Act of 2007. It would tighten sanctions against Iran if it does not halt its nuclear programs. It stops short, clearly stops short, of calling for military action. That is the reason I come today.

I continue to be concerned that this administration is going to move too far, too fast, toward military action against Iran. The positioning of some of our battle forces, the statements from Vice President CHENEY and President Bush trouble me. They trouble me because in August the McClatchy Newspapers reported that the Vice President proposed U.S. air strikes inside Iran. Earlier this month, President Bush said if we were interested in avoiding World War III—these are his words, World War III—we ought to be concerned about preventing Iran from gaining the knowledge needed to produce nuclear weapons.

This week, Vice President CHENEY said, during an event in Lynchburg, Virginia, that the United States and others are “prepared to impose serious consequences” on Iran. This troubles me. If this administration believes it has some authority from Congress for the invasion of Iran, I challenge them to show me what that authority is. They certainly did not receive that authority with their authorization to use military force in Iraq. That was never even considered. There has been no action I am aware of since which would given them that authority.

If they think they have some inherent power to launch an invasion of another country such as Iran, they are clearly wrong, wrong because of this document, our Constitution. The Constitution makes clear in article I, section 8, that the power to declare war is vested in the American people through their elected representatives in Congress, in the House and in the Senate.

I come to the floor today to remind not only my colleagues but the administration that they have solemn constitutional responsibilities. Before they initiate any offensive action in Iran, they have to come to the Congress for the authority to do so. To do otherwise is, in my mind, not only reckless but clearly unconstitutional.

I want to take a moment to read this resolution I have proposed because it is very short. It is two sentences:

The Senate hereby affirms that Article I, Section 8 of the Constitution of the United States vests in Congress all power to declare war.

And, paragraph 2:

Any offensive military action taken by the United States against Iran must be explicitly approved by Congress before such action may be initiated.

The wording is concise and limited, and I hope makes a clear point. That point is, the Constitution counts. This President, no President, has the authority for unilateral invasion of a country. Every President has the power to defend America and Americans. But to initiate an invasion of Iran at this point in our history would

be not only a terrible foreign policy mistake, but violate the constitutional processes we have set in place, a Constitution we have all sworn to uphold.

I understand that this bill, this Amtrak authorization bill, is hardly a bill to debate the constitutional authority to go to war or foreign policy on Iran, but I continue to be troubled day in and day out with statements by the President and Vice President to suggest that we are somehow preparing in any way, shape, or form for offensive military action in Iran.

I know my time is limited. I thank the sponsor of the legislation that is now pending, and the Republican minority leader on this committee.

I ask unanimous consent that the pending amendments be set aside so this amendment be might be called up, with the understanding that it is not likely to be allowed, but to let my colleagues know I am going to introduce this as separate legislation. I hope they will join me in cosponsoring it and join me as well in finding the first available venue and forum to raise this important constitutional issue.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, first, I thank the Senator for his comments about our efforts on the Amtrak legislation. This is the Amtrak legislation, and I do not think it is the place to have this debate he is proposing. He acknowledges such. In view of that, I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that at 3:15 today, the Senate proceed to vote in relation to the Sununu amendment No. 3446, with no amendment in order to the amendment prior to the vote; and that the 4 minutes immediately prior to the vote be divided as follows: 1 minute each for Senator LAUTENBERG, myself, and Senator LOTT, or our designees, and 2 minutes for Senator SUNUNU.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. LOTT. Madam President, first, if I could clarify the agreement that was just enumerated here, at 3:15 then we will move to a vote on the pending Sununu amendment, and prior to that, it will give us a chance on both sides of the issue to make some brief remarks, and Senator SUNUNU will be back momentarily to make some comments and an explanation of his amendment.

The amendment would modify the bill's competition pilot program to allow an unlimited number of existing Amtrak routes to be open to competition from freight rails that seek to operate passenger trains in exchange for Amtrak's current subsidy.

We have worked on this issue before. Senator SUNUNU had this amendment the last time this bill came up. We worked out a compromise that is in the bill which is to have a pilot program.

Philosophically, I am attracted to this amendment. I do think we ought to have competition. I think it makes sense maybe for the freight lines to provide this passenger service. But this is a major change in what is currently done. So rather than just leaping into this in an uncertain and an unknown way in terms of its impact, results, what would happen to Amtrak, how it would impact the service, the alternative is to go with what we worked out a couple years ago, and that is a competitive pilot program that would allow two routes a year—not two total; it is two a year—to get into this competitive pilot program area, see how it works, find out the details, assess the good and the bad and the costly which could come out of it. That is the preferred way to go. We do say we will have this for the life of the bill, which is a number of years, so it could be up to 10 or 12 routes that may be involved eventually.

This is a new concept, and we believe what we have outlined in the provisions of S. 294 will prescribe it in such a way that it won't cause problems and we can see if it works. It may work. I emphasize, this is something I may want to move toward in the future. But I want us to have a national rail passenger system, No. 1. I want us to quit starving Amtrak and then blasting them because they don't do better even though we know they don't have the money to do the job. I want us to give them clear instructions for reform and to evaluate routes and have better governance. We have put this in the bill. This will be a major plus for Amtrak, to give them more authority.

Some of these routes could be shut down. We had the earlier Sununu amendment that we think could have led to a pretty precipitous shutting down of six or eight of these long-distance routes in other parts of the country. That would have been a mistake. But I do think that, more than likely, over a period of 2 or 3 years, you can't defend an individual subsidy per passenger of \$500 or \$600.

More and more, as we make this a more attractive entity, deal with the capital needs, improve the trackage that is available for them to use, get better governance, then it will be more attractive for competition to come into play. Maybe States will have more operations, as well as the freight lines.

I understand the goal of Senator SUNUNU. I appreciate the fact that he is not one who has just been critical. He is engaged. He is thinking about it. He has some ideas. But I urge defeat of this amendment. Let's see how the pilot program works and then, in 4 or 5 years, evaluate what we have seen and perhaps do something more.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Madam President, we are examining an amendment offered by Senator SUNUNU. As we have just heard, we have been through this

somewhat before. The amendment would open to privatization all of Amtrak's long-distance and corridor train routes and give Federal funding to private companies to do what Amtrak does with no additional contract oversight. We saw something with the British experience—that there is potential for disaster when you fully privatize a national railroad. In the UK, wholesale privatization of their rail line did not work. In the end, safety was compromised for profits, and several died in horrific train derailments.

Our bill does not allow a complete selloff of our entire national railroad. It does, however, provide a controlled procedure for competitive bidding on a limited number of routes. This competition will be allowed only under strong supervision by Federal regulators. The Federal Railroad Administration, which also oversees rail safety, will start by accepting bids from other railroads interested in running passenger trains for one to two train routes. This is an experiment to see if the Government can save any money by letting someone other than Amtrak try to run passenger train service.

Railroading in America is a complex operation. Most railroads currently in service can trace their roots back 150 years. There are comprehensive safety standards that must be met. There are laws that apply only to the railroad industry. You have to share limited infrastructure with other railroads. Wholesale privatization of Amtrak is not in our country's best interest. The traveling public relies on the expertise of American railroads for safe and efficient service.

Under our bill, a limited experiment can be attempted for competitive bidding with proper oversight. Expanding it by including the Sununu amendment, frankly, could be disastrous. It is hard to imagine that we would permit residents in a hospital or medical learning experience to go ahead and start doing surgery. Say take a couple of cases, we will examine them, and then we will go on to full-time operation with your skills. Meanwhile, you don't just throw the whole thing together and take a chance that you are right. We have included an opportunity for two of these competitive bids to take place in a year and see what the results are and then decide whether we go further, instead of throwing the whole works in there at one time.

For obvious reasons, I oppose this amendment. I urge my colleagues to vote against it. We are just now doing a whole reform of Amtrak. We are reducing operating costs as a requisite and doing much more to improve rail service. It is obvious that rail service is and has to be an essential part of our transportation infrastructure.

I oppose this amendment. I hope my colleagues will stand up and say: No, we are going to give Amtrak a chance to operate because we desperately need it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SUNUNU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Madam President, we will have a vote shortly on the second amendment I have offered. Senator LAUTENBERG just spoke a little bit about the amendment. I certainly want to clarify for the record what the intention of the amendment is and what its practical impact would be.

This is not a wholesale privatization of Amtrak—far from it. The provision in the legislation allows two routes under supervision, oversight as described by Senator LAUTENBERG, to be put out for competitive bid to see if there is another service provider that can run the trains on those routes, delivering better service at a better cost. That makes good sense—good sense for riders and taxpayers. It is not a wholesale privatization by any stretch, especially considering the supervision and oversight that would have to be in place for this competitive bidding process.

Senator LAUTENBERG used the phrase or description about this being a learning experience and you don't want to have people in a medical environment in a learning experience then suddenly asked to do major surgery. I think I understand what he was trying to suggest, but I listened to that phrase and it implies to a certain degree that the management team at Amtrak is a bunch of amateurs that can't be trusted. That is not the case at all. They understand these routes, the operation, the nature of the service they are providing. They are in the best position to help determine how routes should be put out for competitive bid. My amendment simply says there is no reason to limit the number to two. Why would we do that? Because we don't trust them? We don't think they will do a good job? We don't think they want to deliver good service at a competitive cost? Why would we limit them to two? My amendment would allow competition in more than two routes. It would not mandate it or require it. It wouldn't force anyone's hand. It simply would remove a very arbitrary limit on the number of routes that can be put out in a competitive bid to companies run more effectively and efficiently for riders and taxpayers. That is about as simple as you can get. It does make good sense. It doesn't destroy the system. It doesn't throw anyone out of work. It doesn't undermine the integrity of the reforms that are already in the bill by any stretch. I think it simply allows us to get an even better idea of whether those reforms have an impact.

Senator LAUTENBERG described a process where up to two routes, as allowed for in the bill, would be competi-

tively bid. Then the managers at Amtrak would look to see how successful it was and be able to go from there. That isn't true. In fact, that is just what I am trying to deal with. They wouldn't be able to go from there because there is a limitation that they could only do two. So if they decided that this was very effective, they wouldn't be empowered to use this tool to even greater advantage without Congress coming back and changing the law and changing the statute. That is not going to happen anytime soon.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SUNUNU. We have already seen how difficult it is to pass this bill as written. I encourage support for my amendment.

I yield back my time.

Mr. LAUTENBERG. Madam President, we ought to crawl before we walk, to use the old adage. We have to learn it firsthand without putting the whole thing at risk.

Mr. LOTT. Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No, they have not.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. LOTT. Madam President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

Mr. LOTT. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 64, as follows:

[Rollcall Vote No. 396 Leg.]

YEAS—27

Alexander	Coburn	Kyl
Allard	Cornyn	Lugar
Barrasso	DeMint	Martinez
Bennett	Ensign	McConnell
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Sununu
Burr	Inhofe	Thune
Chambliss	Isakson	Vitter

NAYS—64

Akaka	Feingold	Nelson (NE)
Baucus	Hagel	Pryor
Bayh	Harkin	Reed
Bingaman	Hatch	Reid
Boxer	Hutchison	Roberts
Brown	Inouye	Rockefeller
Byrd	Johnson	Salazar
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Smith
Casey	Landrieu	Snowe
Cochran	Lautenberg	Specter
Coleman	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lincoln	Tester
Corker	Lott	Voinovich
Craig	McCaskey	Warner
Crapo	Menendez	Webb
Dole	Mikulski	Whitehouse
Domenici	Murkowski	Wyden
Dorgan	Murray	
Durbin	Nelson (FL)	

NOT VOTING—9

Biden	Feinstein	Lieberman
Clinton	Gregg	McCain
Dodd	Kennedy	Obama

The amendment (No. 3456), as modified, was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. LOTT. Mr. President, Senator LAUTENBERG is here, chairman of the subcommittee. He is working with Senator MURRAY on a couple amendments. We have a couple amendments by Senator DEMINT that we have cleared. We are hoping we will have a chance to visit with Senator DEMINT or some of his representatives momentarily and maybe clear some other amendments. I thank Senator DEMINT for coming over. He actually came over with a block of nine amendments, and we are working through those. Some of them we can certainly accept. We will work through the rest.

Senator REID was very generous yesterday in agreeing that we wouldn't complete this bill until Senators had a chance to review it and come up with amendments, even as late as Tuesday morning, provided they were germane; otherwise, we could finish this bill this evening.

We have another issue that has been interjected; that is, the Internet tax issue. I know Members on both sides and the leadership are working out when and how we would get to vote on that important issue because next Thursday, if we don't come up with something, the Internet moratorium on taxes will expire November 1. We have to deal with the issue.

I call on my colleagues, if you have amendments of any kind on the Amtrak legislation, come over and offer

them. We will work through them this afternoon. I don't know what the leadership is going to decide with regard to votes later on this evening or tomorrow, but there will not be any votes on Monday, as previously announced by the leadership. So we will have to either deal with these amendments that might come up this afternoon or tomorrow or Tuesday.

After we dispose of the Internet tax, everybody needs to know that this bill can and should and will be finished before sundown Tuesday. That is what the leader, Senator REID, wants. That is what Senator MCCONNELL wishes to accommodate. It is my intent to work with Senator LAUTENBERG to drive this bill to conclusion. It is not controversial. What is in here is broadly supported. We had 93 votes last time. We may get more this time. Of the amendments that have been offered, the most an amendment has received was 27 votes. We are going to continue to look for ways to do even more that is positive for Amtrak. But we need to go ahead and be done with this next Tuesday.

I yield the floor to hear any remarks the chairman has.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Very briefly, I join Senator LOTT in telling our colleagues to come on down if they have something they want to put into this bill. We are on the edge of progress, and we ought to move ahead.

AMENDMENTS NOS. 3457, AS MODIFIED, AND 3459, AS MODIFIED

Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up en bloc the Murray amendments Nos. 3457 and 3459 and ask unanimous consent that the amendments be modified with the changes at the desk; that the amendments, as modified, be considered and agreed to and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 3457 and 3459), as modified, were agreed to, as follows:

AMENDMENT NO. 3457, AS MODIFIED

On page 189, after line 25, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. STRATEGIC PLAN ON EXPANDED CROSS-BORDER PASSENGER RAIL SERVICE DURING THE 2010 OLYMPIC GAMES.

Not later than one year after the date of the enactment of this Act, Amtrak shall, in consultation with the Secretary of Transportation, the Secretary of Homeland Security, the Washington State Department of Transportation, and the owners of the relevant railroad infrastructure—

(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as "Amtrak Cascades");

(2) develop recommendations for the Department of Homeland Security to process

efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

AMENDMENT NO. 3459, AS MODIFIED

On page 33, between lines 10 and 11, insert the following:

SEC. 210A. REPORT ON SERVICE DELAYS ON CERTAIN PASSENGER RAIL ROUTES.

Not later than 6 months after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall submit to Congress a report that—

(1) describes service delays and the sources of such delays on—

(A) the Amtrak passenger rail route between Seattle, Washington, and Los Angeles, California (commonly known as the "Coast Starlight"); and

(B) the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as "Amtrak Cascades"); and

(2) contains recommendations for improving the on-time performance of such routes.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENTS NOS. 3460 AND 3461

Mr. LOTT. Mr. President, on behalf of Senator DEMINT, I ask unanimous consent that the pending amendment be set aside, and I call up amendments Nos. 3460 and 3461.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report en bloc.

The bill clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. DEMINT, proposes en bloc amendments numbered 3460 and 3461.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 3460

(Purpose: To ensure that capital investment grants authorized under section 24402 of title 49, United States Code, may be used for passenger rail infrastructure)

On page 63, line 9, insert "infrastructure," after "facilities".

AMENDMENT NO. 3461

(Purpose: To direct the Government Accountability Office to conduct a study that compares passenger rail systems in certain developed countries)

At the end of title III, add the following:

SEC. 306. PASSENGER RAIL SYSTEM COMPARISON STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, and Japan.

(b) ISSUES TO BE STUDIED.—The study conducted under subsection (a) shall include a country-by-country comparison of—

(1) the development of high speed rail;

(2) passenger rail operating costs;

(3) the amount and payment source of rail line construction and maintenance costs;

(4) the amount and payment source of station construction and maintenance costs;

(5) passenger rail debt service costs;

(6) passenger rail labor agreements and associated costs;

(7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;

(8) the percentage of the passenger rail system's costs that are paid from general government revenues; and

(9) the method used by the government to provide the subsidies described in paragraph (8).

(c) REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

Mr. LOTT. Mr. President, these amendments have been cleared on both sides. I, therefore, ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 3460 and 3461) were agreed to.

Mr. LOTT. Mr. President, we do have two more amendments by Senator DEMINT that I think have been cleared, but we are waiting to have a chance to discuss with Senator DEMINT some of the other amendments. We are trying to get sort of an equal amount agreed to as we go forward. But we are trying to clear the deck of some of these amendments, and we are going to continue to work on that. Hopefully, we can dispose of another four or five amendments this afternoon even.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 2241 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBPRIME FORECLOSURES

Mr. BROWN. Mr. President, today the Joint Economic Committee released a report highlighting the impact of subprime foreclosures on local economies. It confirmed what many of us know: When homes go into foreclosure, it is not just the homeowner and the tragedy to that family; whole communities suffer. When entire neighborhoods fall victim to foreclosures, communities are often devastated.

Today's report shows that in Ohio, there are more than 293,000 outstanding sub-prime loans—293,000 in a State of 11 million people, perhaps 3 million-plus households; 293,000 outstanding subprime loans. Every outstanding loan represents a family, an Ohio family, that is so close to losing their home.

The estimated loss of property value this year in Ohio is more than \$3.7 billion. The estimated local tax loss, that is local government revenue all over the State, this year is more than \$31 million. That is lost revenue needed to pay for firefighters, for schoolteachers, for police officers, and for rescue squad vehicles and their workers. That lost revenue means poorer service and less service for those communities already suffering from poverty and suffering from the foreclosures themselves.

Two years ago, when Hurricane Katrina's storm surge left thousands homeless, Congress and the American people leapt to respond. We were moved and ashamed by the images we saw in our newspapers and on television. We were moved by the images, and ashamed, frankly, by our Government's lack of response. Most of us could not believe this could happen in our country. Today, we are witnessing the economic equivalent of Katrina in the housing market—a slow moving storm surge that is leaving hundreds of thousands, perhaps millions, of people in this country without a home. They have lost their homes, they have lost their American dream. It started on Lake Erie rather than on Lake Pontchartrain, but it has spread to all corners of our country—from New York to the Presiding Officer's Florida, from California to Minnesota. As today's report shows, subprime lending doesn't just hurt families, it hurts entire communities.

Unfortunately, the response to date in some ways has been worse than Katrina. Regulators have been slow to use their authority to act, Congress has done next to nothing, and the President, as before with Katrina, made a speech and then moved on. The Treasury Department sprang into action when Wall Street was looking at losses, but it has not applied the same energy or commitment to the thousands upon thousands of families in Slavic Village, near Cleveland, in Columbus and Lima, in Mansfield and Marion, or Zanesville. Thousands and thousands of families in those communities are losing their homes.

Whole neighborhoods in Cleveland and Dayton and cities throughout the State are drowning in foreclosures. Things are going to get worse before they get better. We know that, because the adjustable rate mortgages are about to reset day after day, week after week, month after month in our communities. Almost every day the news brings more evidence of how widespread this problem has become for banks—losses in Merrill Lynch, layoffs at Bank of America, and huge layoffs at National City Bank in my State.

Even as National City announces the layoff of 1,000 people in Ohio, in the first 9 months of this year, since January, 100,000 foreclosure filings have already stacked up, with every county in our State contributing to that stack.

Home sales are down, prices are down, and problems are showing up in prime markets. But we have yet to see the worst of it. Resets of subprime adjustable rate mortgages will peak this fall, ease up a bit, and then skyrocket next fall. Throughout the time these mortgages were being made, underwriting standards fell further and further. So on top of the enormous volume of loans resetting over the next 12 to 15 months, the likelihood of all those 2-28 loans made in 2006 defaulting in 2008 is likely to get worse.

We are already in record territory when it comes to this year's loans, but we have made a start in addressing this crisis. The \$200 million contained in the housing appropriations bill passed by the Senate must be maintained or increased in the bill sent to the President. And he must sign it. He must do something about this. That would be a major first step to helping those neighborhood organizations, those not-for-profits. There is a terrific one in Toledo, and several in my State and in the State of Florida too. It will matter to those people who are about to lose their homes. They are delinquent in their payments, perhaps because of the reset and a higher mortgage, or because their taxes and insurance were added when they didn't know they weren't included, or when they were simply deceived or betrayed by fraudulent mortgage brokers.

This \$200 million is not a bailout. It is only to help them renegotiate their loans so their delinquencies won't turn into foreclosures. And the President, as I said, must sign this bill.

The regulators need to act and act quickly with strong protections for consumers, and Congress must act to codify and build on those protections. Mortgage bankers must be held accountable for their actions. They can no longer sell loans without regard to whether a borrower can afford to pay them back. And banks have to be responsible as well. Underwriting standards have to ensure that borrowers qualify at the real rate rather than the teaser rate. No more of that. Escrows have to be set up for subprime loans, as they are for prime loans, and put money aside for insurance and for

taxes. No-document loans need to become a thing of the past.

Just because the subprime crisis is less visible than the destruction of a hurricane, it is no less damaging. All of us need to respond. Our response must be comprehensive and our response needs to happen now.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida.) Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAYTAG PLANT CLOSING

Mr. HARKIN. Mr. President, tomorrow with the closing of the Maytag manufacturing plant in Newton, IA, a beloved Iowa institution and an icon in the history of industrial America will be gone forever.

The Maytag brand, synonymous with product quality and reliability, will still be attached to rebranded Whirlpool Corporation appliances, but do not be fooled, those products will no longer be made by loyal, skilled, experienced, Iowa workers. They will be made elsewhere.

This is a heartbreaking loss to the Newton community, Newton, IA, and a loss felt by people across my State of Iowa. Maytag was founded in Newton by Fredrick Louis Maytag, in 1893, as a manufacturer of farm equipment. Fourteen years later, the company introduced its first washing machine, which it produced during seasonal downturns in the farm implement business.

Newton soon became known as the washing machine capital of the world. By the time it was acquired by Whirlpool in 2006, Maytag Corporation was a \$4.7 billion company with 18,000 employees worldwide.

But the center of its operations, the heart of its operations, was Newton, IA, with 2,800 employees. Now, it is all gone. Thousands of good-paying jobs and the economic foundation of an entire community.

For generations, Iowans eagerly went to work at Maytag, and Maytag was an integral part of the Newton community. Maytag workers helped to build a thriving local economy. The children of Maytag assembly line workers and the children of the Maytag executives all went to the same high-quality schools.

When children graduated from high school or from college, many came home to Newton to work at Maytag, either on the line or as executives. Together, workers and management at

Maytag built a wonderful community and a wonderful business. Now, in what seems like the blinking of an eye, Maytag is gone.

Why? Well, because it is cheaper to make appliances in foreign countries that pay their workers a pittance; that lack labor standards and environmental protections. Maytag management was seduced by the lure of lower wages; sent jobs from some of their plants to Mexico.

This, combined with unwise decisions by management to buy a variety of companies, significantly weakened Maytag's finances and their ability to invest in improvements to their own product lines. That made the company a takeover target.

It is a personal tragedy for the workers of Maytag and elsewhere who have lost good-paying jobs, but it is something else; it is a threat to the middle-class standard of living in this country, as displaced workers are obligated to accept lower paying jobs, often without health insurance or pension benefits.

According to a study by economists at Iowa State University, the average income in Jasper County, that is the home of Newton, the average income in Jasper County in 2005 was \$34,400 a year, again, because of Maytag.

Without the Maytag jobs, the average income will drop by nearly \$5,000. Let's be clear. As I said, washing machines made elsewhere will probably still carry the Maytag brand, but I will always say that the heart and soul of Maytag was the Newton community.

Richard Doak, a Des Moines Register columnist, was intervening a Maytag worker years ago when the company was hinting it might close the Newton plant. The worker stated:

If that ever happens, it will be the end of Maytag, because the people of Newton are the essence of the company. We pump blue blood [said the worker, referring to the color of the Maytag logo.]

Daniel Krumm, the chief executive officer who transformed Maytag into a global company said that what he called the Newton ethic, was the key to the company's success. By the Newton ethic, he meant an entire community that was loyal to the company and took great pride in making products of the highest quality.

Unfortunately, some of Daniel Krumm's successors chose to betray the Newton ethic. Some of them chose to cash it in for cheaper products, and higher profits made outside the United States.

This story is all too familiar to skilled workers in the manufacturing sector in this country. You might wonder why I am on the floor talking about this on this Thursday, October 25. Because tomorrow, on Friday, Maytag will shutter its last plant and cease operations in Newton, IA. I worked as hard as I could to prevent the Whirlpool takeover of Maytag. I worked with State and local officials to prevent the closing of the plant in Newton. But in the end, regrettably, our efforts were unsuccessful.

Particularly, I wish to salute the tremendous effort of the officers, the plant committee, the department of stewards of United Auto Workers Local 997. Under the outstanding leadership of Ted Johnson, the local president, they have been on the frontlines throughout the crisis of Maytag, fighting to prevent the plant closure; when that failed, doing everything possible to help the displaced workers.

Tomorrow, Friday, will be a sad day in Newton, IA. But there is rebirth. Not all of the news from Newton is bad. The Newton ethic survives, and the Newton community is resilient. Two companies, Iowa Telecom and Caleris, plan to add more than 200 jobs in Newton by the end of the year.

Other businesses are expanding. Community leaders are coming together to develop a strategy to rebound from the loss of Maytag. I wish them every success, and I will stand ready to continue to assist in any way I can.

Another sad chapter in the continuing decline of our manufacturing base in America. Maytag. Who has not seen the ad about the Maytag repairman who has nothing to do because Maytag was such a good product?

Whether it is refrigerators or washing machines, home appliances, Maytag always stood for the best in quality. It was the best in quality because it was made by dedicated workers, skilled workers who took pride in their work. They made good livings. They were middle-class families. I said it was always a joy to go to Newton. It was wonderful to see the sons and daughters of assembly line workers going to the same school as the executives' kids, all working together, going to the same churches, belonging to the same clubs, going to the same bowling alleys, having this wonderful picnic every year, where the executives and their families and the workers and their families all were enjoying their annual picnic with their kids.

They took pride in the products they built. I do not think the people in some of these other countries will have that same kind of commitment. They are lower paid, they did not have the benefits. At some point, we have to take stock of what is happening to our manufacturing base in this country and what is happening to us in terms of a community and a business that can grow and evolve.

I know things change, and they have to change, but still, there is no reason, there is no reason why Maytag had to leave Newton. There were some bad business decisions made. But, again, it is chasing higher profits in the short term by shipping our jobs out overseas or to Mexico or to other countries.

And those short-term profits lead to long-term losses for the workers and their families and everyone else. So it is a sad day tomorrow in Newton and a sad day for all of us trying to work so hard to keep Maytag alive.

The PRESIDING OFFICER. The majority leader is recognized.

INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 429, H.R. 3678.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, reserving the right to object—and I certainly will not object—I just want to take a brief moment to say how pleased I am we are able to reach this bipartisan compromise. This package will extend the current Internet tax moratorium for 7 years—nearly twice as long as the bill passed over in the House of Representatives. This is a positive step in protecting American consumers from taxes on Internet access, taxes that strike at the heart of innovation and economic growth in America.

I particularly thank the distinguished Senator from New Hampshire for his skillful role in bringing this issue before the Senate, for pushing it aggressively, and getting, in my judgment, a much better solution to this problem than was achieved in the House of Representatives. I know he shares my view, and I assume the view of everyone in the Senate, that the House will simply take up the Sununu measure and pass it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3466) was agreed to, as follows:

(Purpose: To amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Freedom Act Amendments Act of 2007".

SEC. 2. MORATORIUM.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in section 1101(a) by striking "2007" and inserting "2014"; and

(2) in section 1104(a)(2)(A) by striking "2007" and inserting "2014".

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

“(c) APPLICATION OF DEFINITION.—

“(1) IN GENERAL.—Effective as of November 1, 2003—

“(A) for purposes of subsection (a), the term ‘Internet access’ shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

“(B) for purposes of subsection (b), the term ‘Internet access’ shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108-435).

“(2) EXCEPTIONS.—Paragraph (1) shall not apply until June 30, 2008, to a tax on Internet access that is—

“(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

“(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

“(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to June 30, 2008, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).”.

SEC. 4. DEFINITIONS.

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking “services”;

(2) by amending paragraph (5) to read as follows:

“(5) INTERNET ACCESS.—The term ‘Internet access’—

“(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

“(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

“(i) to provide such service; or

“(ii) to otherwise enable users to access content, information or other services offered over the Internet;

“(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity;

“(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), (C), or (E)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), (C), or (E); and

“(E) includes a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity, that are provided independently or not packaged with Internet access.”.

(3) by amending paragraph (9) to read as follows:

“(9) TELECOMMUNICATIONS.—The term ‘telecommunications’ means ‘telecommunications’ as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and ‘telecommunications service’ as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).”, and

(4) in paragraph (10) by adding at the end the following:

“(C) SPECIFIC EXCEPTION.—

“(i) SPECIFIED TAXES.—Effective November 1, 2007, the term ‘tax on Internet access’ also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

“(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

“(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

“(III) is imposed on a broad range of business activity; and

“(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

“(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State’s ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

“(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.”.

SEC. 5. CONFORMING AMENDMENTS.

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking “telecommunications services” each place it appears and inserting “telecommunications”; and

(2) in subsection (b)(2)—

(A) in the heading by striking “SERVICES”;

(B) by striking “such services” and inserting “such telecommunications”; and

(C) by inserting before the period at the end the following: “or to otherwise enable users to access content, information or other services offered over the Internet”.

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

SEC. 6. SUNSET OF GRANDFATHER PROVISIONS.

Section 1104(a) of the Internet Tax Freedom Act is amended by adding at the end thereof the following:

“(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any State that has, more than 24 months prior to the date of enactment of this paragraph, enacted legislation to repeal the State’s taxes on Internet access or issued a rule or other proclamation made by the appropriate agency of the State that such State agency has decided to no longer apply such tax to Internet access.”.

SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted,

except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 3678), as amended, was passed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I also want to express my appreciation for the diligent work of my friend from Delaware. Senator CARPER has worked on this issue for years. We have had a number of others who have been involved in this issue. Of course, the chairman of the committee, Senator INOUE, has been very helpful during the day. We have had assistance from Senator ROCKEFELLER and Senator WYDEN, but I and the Senate owe a debt of gratitude for the work done by my friend from Delaware, working with our friend from New Hampshire.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007—Continued

AMENDMENT NO. 3452 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the Sununu amendment No. 3452 be withdrawn and the cloture motion be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PRODUCTIVE WEEK

Mr. REID. Mr. President, there will be no votes tomorrow. We have announced long since that we would have no votes Monday. We have a lot we are going to do Tuesday, the first of which is to complete the work on the important Amtrak legislation. There has been great progress made on that today.

I think we have had an interesting week. We may not be happy with the results—I say that because some are happy, some are not—but it has been a productive week. It has been a week in which, in spite of the divisiveness of the issues before us, they have been handled in a very collegial way. There have been strong feelings expressed on both sides, but it has been done, I think, in a way that brings credit to the Senate.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, just briefly, a couple of other observations, I would say that I know it is the position of the Senator from New Hampshire—of course, he can speak for himself, but it is the position of the Senator from New Hampshire, myself, and many others that we make this moratorium permanent. I think that still ought to be our goal in the future.

With regard to the week that is now coming to a conclusion, I would have to state it has been quite a good week, with a number of achievements that

are important for the Senate and, in particular, the confirmation of Judge Southwick, which was not only important to the State of Mississippi but important to this institution, the Senate, in terms of how we are going to treat nominees in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, let me add a couple comments with respect to the legislation we just passed by unanimous consent.

The adoption of this legislation comes after a very tough negotiation that goes back not just a couple days or a couple weeks or a couple months but literally years, almost a decade. In tough negotiations, not everyone is happy. But I think the American people basically want us to figure out how to get work done. The American people look for us to set aside partisan differences, and they want to see some results.

My hope is, for the most part, they come to understand what we have done here tonight and realize the House still has to speak on this matter. The American people will, if not applaud the actual results, some of which are not easily understood, at least say: Well, on this matter, at least, the U.S. Senate figured out how to work together. A couple guys from small States got together, along with the help of a bunch of others, including Senators ALEXANDER and ENZI and VOINOVICH. I am grateful to them for all their good work on this too.

I think among the most important results that flow from the adoption of this legislation are, No. 1, we preserve the intent in the 1998 initial Internet moratorium legislation. What we wanted to do in 1998 was not to allow additional States and additional local governments to place a tax on access to the Internet, if you will, a tax on our AOL bills. That was part of the 1998 legislation that said for a handful of States—nine or so—that were already doing that, they were allowed to continue to do so but nobody else could pile on.

This legislation today makes sure we are not going to be allowing additional access taxes or additional taxes by State and local governments for access to the Internet. That protects the consumers, but it also does it in a way that I think is fair to the States. Because 3 years before the 1998 legislation was passed—3 years prior—in 1995, this same Congress passed legislation saying that the unfunded mandates were a bad idea, and that the Federal Government was not going to tell State and local governments how to spend their money without providing that money, the Federal Government was not going to take away the ability of State and local governments to raise money without providing for funds to make up for the shortfall.

What we have done is we have protected the States that are already de-

riying revenues from access taxes on the Internet. We said we are not going to allow, as we go forward with new innovations—for, if you will, telecom companies, telephone companies—we are not going to allow them to bundle services and begin to offer those bundled services—traditionally taxed by State and local governments, in some cases—and ship them over on the Internet to avoid all State and local taxes. So the States have spoken loudly: Do not take away our revenue base. We have been responsive to that.

As a Governor for 8 years in my State, and as, at one time, the chairman of the National Governors Association, I never liked it when the Federal Government came in and said: Spend your money this way or that way, without giving us the money. I never liked it when the Federal Government came in and said: We are going to take your ability to raise money away without providing for the shortfall. I think we are consistent here and true to the concerns that have been raised by State and local governments on that score.

The third thing we have done—I sort of alluded to it—the technology in this area continues to change dramatically. I like to kid, but I say 5 years ago I could not even spell VOIP, Voice Over Internet Protocol, which basically means sending telephone services over the Internet.

Actually, 5 years ago, the idea of being able to do that was, I think, a gleam in somebody's eye. Today it is common practice. Not only that, we have the ability to send something called IPTV, Internet Protocol TV, to send television signals over the Internet. In my State, we do not necessarily raise our revenues this way. But some places do. They raise some of the revenues for educational purposes, for paramedics, for fire services, for police services. They raise their revenues by taxing telephone services and cable services. It is inappropriate for us to come and say: You cannot do that, even as those services are somehow transferred and transmitted over the Internet.

So what we have done, by not making the moratorium permanent, is we have made sure we are going to come back and revisit this issue somewhere down the line. We say 7 years. The House says 4 years. We will have the opportunity and the requirement to come back and revisit this issue. If the technology changes—and it will. I can tell you one thing for sure, the technology that is in place today is not going to be same in 4, 5, 6, 7 years, just as it was not 4 or 5 or 6 or 7 years ago. It has continued to change. By virtue of this legislation, we will be better prepared for that change.

Again, I close with this: When I talk to people in our State, and in other States as well, when I hear about the low regard people have for the Congress and, frankly, for the administration—but we will stick with us right now—

one of the things that people are most unhappy about is our seeming inability to work together, to hang in there, until we have been able to carve out, find a middle ground that is responsive to the concerns of most people. We have done that. It has not been easy, but we have been persistent, and I think ultimately—at least tonight, today—successful.

I am pleased to have been a part of this effort and to have had a chance to work with our Senators ALEXANDER, STEVENS, INOUE, MCCAIN, and Senator SUNUNU.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I am pleased to be able to stand up tonight, after Senator CARPER, which is very appropriate, to talk about this success. The Senator from Delaware has described, I think very clearly, the strength of this legislation, the value of the legislation, and the importance of the legislation.

We really do have a responsibility to act in our role as a Congress to prevent Internet access taxes. Because this is a national—and, in fact, global—communications network. It is a national and global network for commerce and business as well. That is our responsibility under the Constitution to make sure there are not unnecessary, undue burdens on interstate commerce and trade.

So what we have done tonight is to take legislation that was passed in the House and really improve it dramatically. Senator MCCONNELL indicated we have nearly doubled the length. We added clarification language as to what could and could not be taxed, and how the grandfathered States that were taxing prior to 1998 would be treated.

We also added explicit language to make sure that Internet services, such as e-mail and instant messaging, could not be taxed. This is an important issue for me and many others, particularly Senator WYDEN from Oregon, who spoke about it today on the floor of the Senate.

It is important that consumers know that Internet access is not going to be taxed, first and foremost, because taxes raise the price of something. I do not think Congress wants to be in the position of allowing the price and the cost of Internet access for every consumer in America to go up. We do not want to be in the position of raising the cost of Internet access as well because it would affect the pace of investments and the incentives to make investments.

Anytime you tax something, you are going to get less of it. This ban on Internet taxes is extremely important. I would like to make the ban permanent. I think the time has come to make it permanent. After passing it in 1998, and extending it in 2001 and 2004, to look at yet another short-term extension does not seem to make as much sense to me as making the ban on access taxes permanent. But at the same

time, we need to recognize that a 7-year extension is the longest extension we have ever had, and that alone I think should make us very proud of the work that was done, and it was bipartisan.

A lot of members of the Commerce Committee worked very hard on this issue. Senator CARPER certainly spent a lot of time on this issue. We haven't always agreed on every aspect of the legislation, but we can agree, and we have agreed, on this 7-year extension tonight.

I do want to make special mention of Senator INOUE, one of the Senators who was mentioned earlier as well. He is the chairman of the Commerce Committee. It was very frustrating to me that we never had a chance to vote on this legislation in the Commerce Committee, but he and his staff didn't stop working on the issue, and they put in a tremendous effort today to work through all of the details that are required. Even if it only takes the Senate 32 seconds to make a unanimous consent request to pass the final product, that 32 seconds has behind it hours and hours of work by many Members of the Senate and many more staff members. So I appreciate Senator INOUE's work and the work of the staff as well.

I am pleased we are sending this to the House tonight, but also pleased to note that we are doing it before the expiration of the current moratorium. The last extension was passed in 2004 and expires on November 1, or next Thursday. It is not that often, unfortunately, that Congress does something in a fairly timely way. So to pass this legislation tonight in advance of that expiration date adds a little bit more satisfaction, knowing we did the right thing, and that we did it on time. I am pleased to support the legislation.

I yield the floor.

Mr. CARPER. Mr. President, let me take one more minute on this subject to also extend my thanks and compliments to our staffs. On my staff, Bill Ghent and Chris Prendergast worked long and hard for many hours. Our Commerce Committee staff, both Democrat and Republican, did a terrific job under the leadership of Senator INOUE, and we are deeply grateful to him and to Senator STEVENS' staff for the wonderful work they did. The Commerce staff works in a way I wish every committee staff and subcommittee staff would—Democrat, Republican, majority, minority—it is almost seamless the way they approach almost every issue, including this one. I think one of the things that happens when you work like that is you get something done. While it is not unanimous acclaim for what we have done here, I think for the most part it is good work.

If we live to see what happens over in the House, hopefully we will be able to resolve our differences with them.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007—Continued

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Delaware.

Mr. CARPER. Mr. President, the bill before us is the Amtrak reauthorization bill. Each year it seems we find ourselves fighting increasing gridlock on our highways, whether it is Iowa, Delaware, New Hampshire, or Vermont. We face growing threats of smog in our skies, polluted air, crowded conditions at our Nation's airports, and financial challenges facing our aviation industry. If we don't broaden our investment in transportation infrastructure across our Nation, we are headed for a crisis.

Each year an outfit called the Texas Transportation Institute releases something they call the Urban Mobility Report. It continues to show traffic congestion growing across our Nation in cities of all sizes, consuming more hours of the day and affecting more travelers and shipments of goods than ever before. The annual financial cost of traffic congestion has ballooned. In 1982 it was about \$14 billion; today, \$78 billion. There is a personal cost as well—the time lost to traffic.

The same Urban Mobility Report quantifies this loss at 4.2 billion lost hours. That is not commuting time. This is just sitting in traffic not going anywhere, 4.2 billion lost hours and almost 3 billion gallons of wasted fuel. That is the equivalent on the one hand of 105 million weeks of people's lives and 58 fully loaded supertankers.

Rail remains the most underdeveloped opportunity to reshape our national transportation network. Rail can efficiently move large numbers of people over moderate distances, anywhere from 100 to 400 miles, and requires a smaller right-of-way than highways.

I would also point out that to move a ton of freight from Boston, Massachusetts, to Washington, DC, takes about 1 gallon of diesel fuel. So in a time and age when we are worried about the amount of oil we are importing, 1 gallon of diesel fuel can move a ton of freight from Boston to Washington.

But with respect to corridors, this is important in densely populated areas where there is not much land available to support new infrastructure, and the land that is available is mighty expensive.

States are starting to put their own funding toward rail corridor development as well. Several are using rail to relieve congestion at airports by investing in rail service in connection with their airports, much like we have at BWI, just north of here near Baltimore, much like we have at Newark, NJ, and other places. But what they are doing is using rail service to make a connection with airports as a substitute for the spoke portion of a hub-and-spoke air journey.

Early success stories include rail service between Boston Airport and Portland, ME, as well as increased

service from the Milwaukee Airport to the Chicago region.

More and more people are taking the train in our country, and there are a variety of reasons for that. Trains are convenient, they are comfortable, they are reliable. When you ride the train, you have bigger seats, you have more leg room. You can also use the phone and access the Internet. If you want a place that is quiet, you can go to the quiet car. If you want to eat, you can go to the dining car.

Amtrak used to have an ad campaign that said: "Amtrak: The Civilized Way to Travel." Compared to some of the adventures I have had in airplanes in the last year, it surely is the civilized way to travel.

When you arrive at your destination, in many cases the train station is in the center of town as it is here; as it is in Wilmington and Philadelphia, and as it is in New York City and a lot of other places as well. On-time performance is not great, but it is on par with the airlines nationwide. But in the Northeast corridor where some of us live, the train is even more reliable. The Acela Express has an on-time performance of almost 90 percent—not 100 percent but pretty darn good.

As a result, Amtrak ridership is starting to break records. In fiscal year 2007, a record-breaking 25.8 million people rode Amtrak. Total ticket revenues increased about 11 percent over fiscal year 2006 to some \$1.4 billion; still less than the cost of running the train, but still a hefty increase.

Ridership has increased across the Nation. The Acela Express has seen a 20-percent increase over last year and the Northeast corridor's regional trains are up as well. Outside of the Northeast corridor, interestingly, the Keystone Service train, the train between Harrisburg, PA, and Philadelphia and New York, experienced about a 21-percent increase in ridership; the Chicago-St. Louis corridor, 42 percent. California's Capitol Corridor, which is a train that runs from Auburn to San Jose, is up 15 percent, and the San Diego-San Luis Obispo Pacific Surfliner is up about 9 percent. I think what we need to do is to look at those corridors to see what is working and try to apply that to a whole lot of other Amtrak lines. What we do in this bill is just that.

The Passenger Rail Investment Improvement Act would require the Federal Railroad Administration to develop performance standards to evaluate the financial performance, on-time performance, and customer satisfaction of each Amtrak train.

Amtrak is then required to establish performance improvement plans for the five long-distance routes with their worst performance, including the worst financial performance. A year later, Amtrak must implement the plans and the Federal Railroad Administration may withhold funds for a route plan if the plan is not implemented. In future years, the remaining 10 long-distance

routes would undergo the same restructuring process.

Additionally, the Passenger Rail Investment and Improvement Act would require the Federal Railroad Administration to analyze Amtrak's routes and consider changes that would require cost recovery and on-time performance as well as address the transportation needs of communities that are not served by any other form of public transportation.

I expect when we analyze these long-distance train routes, we will find the factors that make a train—or any form of travel—appealing to travelers is the frequency, the reliability, and the travel time of that service. In the case of many of these long-distance trains, the train may only run a few days a week or at odd hours. I remember the first time my family and I—my mom, my sister, and I ever caught a train, we lived in Beckley, WV. We caught a train in a little nearby town called Prince where the train stopped. We caught the train about 3 o'clock in the morning. I was about 5 or 6 years old. We caught it at 3 o'clock in the morning. In a lot of places around the country, we have trains that are stopping at 3 o'clock in the morning, 2 o'clock in the morning, 1 o'clock in the morning, 4 or 5 o'clock in the morning. No wonder people don't want to ride those trains, especially when they show up about every 2 or 3 days. But on-time performance can be an issue because the tracks outside the Northeast corridor are not owned by Amtrak, they are owned by the railroad companies, and capacity on the freight rail lines is constrained by increasing demand to move more freight by rail. The freight is on the track. Amtrak sometimes gets in the way. The freight railroads want to move freight, not necessarily passengers. What this does is it indicates, to me at least, the need for additional investment in rail infrastructure—something we also address in this bill that is before us.

I think it is particularly remarkable how many States are investing in rail today when you consider the fact that the Federal Government provides no support. I learned when I served as Governor of Delaware that if we wanted to build in my State or to expand an airport, the Federal Government put up 80 percent of the funds—80 percent. The State would do 20. Building or expanding a highway or bridge in my State would also yield that same 80 percent support from the Federal Government. If we wanted to invest in transit, as we do, those funds were more competitive and hard to come by. The Federal Government would still pony up about 50 percent of the expense and the State would do the rest. But we wanted in my State to invest, and we do it smart, to invest in passenger rail, but that was the wisest investment for the dollar, for the buck. We got nothing from the Federal Government. The State had to put up 100 percent. Think about it. If you are the Governor of a

State or you are running a State and you can get matching funds for highways, you can get 80 percent on transit projects, 80 percent from the Federal Government for money on airports, but you can get zero for a city passenger rail service, which one would you vote for or choose? The answer I think is pretty obvious—not necessarily the right decision, the smartest decision, but oftentimes that is the decision that is made. It makes no sense.

So the Passenger Rail Investment Improvement Act bill changes that. It authorizes some \$1.7 billion over the life of this bill for a new State and capital grant program to support States that wish to provide new or improved inner city passenger rail. The Federal match is 80 percent—the same as highways, same as roads, same as airports. I believe this step will create a long-term, sustainable Federal funding mechanism for States investing in inner city passenger rail capacity, with the same kind of capital support we currently provide again for airports, highways, and transit.

Last Congress, the Senate passed the bill we have before us by a vote of 93 to 6. It was added as an amendment to an appropriations bill and passed 93 to 6. It died in conference. It was taken out, dropped. The Senate then overwhelmingly recognized the wisdom of our approach in bringing the Northeast corridor to a state of good repair, requiring reforms to the long-distance lines, allowing freight railroads to compete with Amtrak on their rail lines, the rail lines and the freights, and providing Federal support for capital rail investment, much as we do for highways, airports, and transit.

I urge my colleagues to show the same strong support for this bill when we reconvene next week so we can respond to our constituents' calls for more rail investment and more transportation options, especially where that makes sense.

Let me close, if I can, with this. Having served for 4 years on the Amtrak board, as Congressman, Senator, and Governor, being very much involved in the passenger rail service in my State and across the country, I am not interested in running trains for people who don't want to ride them. I don't think any of us are. I am not interested in the Federal Government providing inordinate subsidies for trains for folks who don't want to ride or for people who have other perfectly good options. If you think about it, in this country of ours, over half the people live within 50 miles of one of our coasts, over 50 percent of the people live 50 miles from one of our corridors. We have these densely populated corridors up and down the east coast, the gulf coast, the west coast. They were made to order for trains. Some of those long-distance trains make a lot of sense too.

A lot of businesses will pay good money, premium money for those trains. Folks will take a train south of here and go down to Orlando, put their

car behind them on the train or minivan or whatever, and they pay good money for those trains. They actually make money. What we have to do is to figure out how to work differently, to meet the need that is out there, to work smarter. The legislation that is before us will do that.

I know the hour is late and you have places to go and so do I. Let me yield back the floor and I thank you all for your patience.

Mr. SPECTER. Mr. President, I seek recognition to offer my support for the Passenger Rail Investment and Improvement Act of 2007. This legislation authorizes Federal funds for Amtrak's capital and operating needs to maintain current operations, upgrade equipment, and return the Northeast corridor to a state of good repair.

Passenger rail is indispensable to our Nation's economy and quality of life. As our Nation's aviation and highway transportation systems become increasingly more unreliable or cost prohibitive due to flight delays, congestion, and rising fuel costs, a viable passenger rail alternative has become a vital component of the national transportation network. More travelers rely on Amtrak now than at any other point in the company's 36-year history. Not only is Amtrak an important option for travelers, but increased reliance on passenger rail has the potential to reduce our Nation's dependence on foreign oil and curb automobile emissions by attracting more would-be drivers into train cars.

This legislation would ensure the stability and solvency of our Nation's passenger rail transportation system, without which I believe we would be severely disadvantaged. In addition to authorizing a reliable stream of funding for Amtrak, the bill restructures Amtrak's debt to achieve savings, creates a new grant program for States to support rail improvement projects, and creates a new, bipartisan, nine-member Amtrak board of directors whose members must have either rail, transportation, or business background.

Additionally, I am pleased that the managers' package of amendments includes language which I sponsored requiring Amtrak to study and report to Congress on the infrastructure and equipment improvements necessary to achieve 2 hour and 30 minute Acela service from Washington, DC, to New York City and 3 hour and 15 minute Acela Service between New York City and Boston. The current trip times are 2 hours 45 minutes from New York City to Washington, DC, and 3 hours 30 minutes from New York City to Boston. I believe this study will provide a blueprint for the future of the Northeast corridor and will assist Amtrak in providing faster, more reliable service along this route.

Accordingly, as a longstanding supporter of Amtrak and a frequent passenger, I urge my colleagues to support this legislation.

Mr. INOUE. Mr. President, I fully support S. 294, a bill that will finally

reauthorize Amtrak and make important changes to secure a prosperous future for intercity passenger rail in the United States. In a year when Amtrak faces yet another crisis, in part due to the administration's proposal to severely reduce Amtrak funding in an effort to restructure the railroad through bankruptcy, this bill is all the more necessary. Additionally, congestion delays at our airports and on our roads are making more and more travelers dependent on passenger rail. We need to ensure that our national passenger rail system is adequately prepared to accommodate this increased ridership.

I congratulate Senator LAUTENBERG and Senator LOTT for crafting this important bill, of which I am a cosponsor. This bill encourages the development of new rail corridors, provides incentives for Amtrak to operate more efficiently, and strengthens the relationship between Amtrak and the States in which it operates. This bill will also provide more transparency into Amtrak's operations and help Amtrak better control its costs. I believe that it will further fortify Amtrak as an important, necessary, and viable option in the United States' transportation landscape.

MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR-HHS APPROPRIATIONS

Mr. MENENDEZ. Mr. President, I am in strong support of the fiscal year 2008 Labor, Health and Human Services appropriations bill. I thank the chairman of the Labor-HHS-Education Appropriations Subcommittee, Senator HARKIN, and the ranking member, Senator SPECTER, for their leadership in crafting this bill and ensuring some of our Nation's most critical priorities are adequately funded. I am proud that we have been able to negotiate a bipartisan appropriations bill that passed the Senate.

This bill is one of the most important funding bills that comes before us. It fulfills our responsibilities in key priorities, such as health care and education. With the passage of this legislation, we will be striking a significant departure from the administration's damaging trend of shortchanging our children, our schools, our workers, and our health. Instead of undermining education, abdicating our responsibilities on health care, weakening the rights of our workers, this bill will restore a commonsense balance to our values that we should expect from the greatest Nation in the world.

I would like to highlight a few areas in which this bill is especially success-

ful and contrast them to the administration's misguided priorities.

While the President's budget zeroed out funding for mentoring programs under the Safe and Drug Free Schools Act—a program that is critical to keeping our children safe and off the streets—I am proud that this bill not only restores that funding, but increases it by more than \$30 million.

As someone whose dreams of college could not have been realized without Pell grants and other Federal financial aid, I am pleased this bill follows through on the promise to increase Pell grants and restores funding for Perkins loans. These increases will mean that today's young people who come from families that cannot afford college on their own can still achieve their dreams. I know the power of this assistance. Without these programs, I would not have been the first in my family to graduate from college and law school. There are millions of students nationwide who are in the shoes I once was. They are waiting, hoping that there will be adequate financial aid to help them access college. And as tuition continues to increase, as grant aid under this president has shrunk, that challenge is getting anything but easier. In my home state of New Jersey, where the average tuition rose 7 percent since last year, 4-year public colleges are the second most expensive in the Nation. Our students need more, not less, grant aid if they are going to achieve their dreams. This bill sets us in the right direction.

Another program that is vital to students in New Jersey is vocational education. The vocational State grants are critical for the institutions in our state that are working to develop a workforce that is able to compete in today's global economy. New Jersey has some of the best vocational and technical education programs in the country. And while this President continually speaks about an educated and competitive workforce in the science, technology and math fields, he does not put his money where his mouth is. His budget would have cut vocational funding in half. Our bill restores those cuts.

This bill also restores cuts to education technology grants, which the President called for eliminating. These grants help ensure that our children have access to technology in the classroom. New Jersey alone would have lost \$5 million next year under the President's cuts. In the global race to have the most trained, highly skilled, best prepared workforce, we are losing ground. The earlier we can introduce our young people to technology, to help them gain fluency in areas that involve technology, the better off they will be in an evolving and increasing technological world.

I am also pleased this bill increases funding for special education by more than \$500 million. This funding is critical to ensuring children with disabilities have an equal opportunity to receive a good public education, just as other children.

And ensuring all children begin on an equal playing field means adequately funding Head Start, which this bill does. This legislation provides a \$200 million increase for Head Start, which will help improve the school readiness of our young children to ensure they can get the skills necessary to succeed. Head Start provides child development, education, health care, nutrition, and socialization skills, all essential services that benefit more than nearly 1 million low-income children in this country.

This bill also helps our young people by expanding opportunities for them to learn trade skills. It provides a \$15 million increase for YouthBuild, which helps young people learn constructing and housing skills and prepare for post-secondary training. This legislation also provides an increase of almost \$82 million for Job Corps to help strengthen these centers that provide key job skills to young people.

In addition, this bill will help veterans transition to civilian life by providing a \$5 million increase for employment and training services.

In terms of health care, this bill makes significant changes to the President's budget proposal and redefines our priorities as a Nation. Overall, the bill provides \$68.1 billion in discretionary appropriations for Health and Human Services Department programs. This amount is \$5 billion more than last year's level and \$5.4 billion more than the administration's budget request.

The bill provides \$250 million more for Community Health Centers and over \$200 million for the National Center of Minority Health and Health Disparities to address the health care needs of our Nation's minority and underserved communities.

This bill will also provide almost \$29.9 billion in funding for the National Institutes of Health, \$1.3 billion more than the Bush administration's budget request. The Centers for Disease Control would also receive \$6.4 billion under this bill which is \$444 million more than the administration's request. It is imperative that we continue to invest in our Nation's health and research facilities as their work will save and improve the lives of millions of Americans.

I am proud that this bill also provides \$8 million for the initial implementation of the Patient Navigator, Outreach, and Chronic Disease Prevention Act of 2005, which President Bush signed into law in 2005. I sponsored this legislation when I was in the House of Representatives in order to improve health outcomes by helping patients, including patients in underserved communities, to overcome barriers they face in getting early screening and appropriate followup treatment. This funding will help get people in to see a doctor before symptoms develop, so we can catch diseases such as cancer or diabetes early. Then we can get patients in to treatment early, which means

they'll have a better chance of survival and the health care costs will be lower. I know that this funding, and the health provisions in this Labor, Health and Human Services appropriations bill, will truly help to save lives.

This legislation is critical and makes a strong commitment to our Nation's future. This legislation will bolster our commitment to the education, health and well-being of our Nation's workforce.

TRIBUTE TO DIANE BAHRENBURG

Mr. LEAHY. Mr. President, I would like to pay tribute to one of Vermont's outstanding teachers, Diane Bahrenburg, who last month was named the 2008 Vermont Teacher of the Year. Diane is an English teacher at Colchester High School in Vermont, where she has taught since 1979. I recently had the opportunity to meet Diane in my Washington office, and I was impressed with her intellect, her passion for teaching, and her commitment to the students of Colchester High School. As we talked about her classes and students, it was evident how much Diane cares about teaching.

In being chosen as Vermont's Teacher of the Year, Diane will have the opportunity to visit schools throughout our State and others around the country. Her travels will allow her to work with other teachers, sharing and discussing the methods that have helped her become so successful. Hopefully she will share with all of us how she has been able to balance the everyday demands of teaching in the classroom, with the work she has done as an adjunct instructor at Johnson State College and UVM, acting as the Vermont debate-forensics lead coach at Colchester High School, and being a parent.

We all know that teaching is a hard job. And it is a crucial job an indispensable link between our young people and their futures, as well as our Nation's future. The opportunities for recognition of teachers' accomplishments are too few and too far between. So I am so pleased that Diane is being recognized for all she has done over three decades, day in and day out, to educate our children and to make a constructive difference, one child at a time. Teachers are the instrument by which we measure the success of our schools. The knowledge, skill, and experience of teachers like Diane are exactly what we need in each and every one of our classrooms.

We are fortunate in Vermont. I continue to be impressed by the high level of achievement of Vermont's students and the academic gains that have been made because of the strong and committed efforts of teachers like Diane. In spite of the countless hours spent sorting through the maze of No Child Left Behind requirements, our teachers are able to inspire students to look beyond tests and find the true lessons of the classroom.

As an alumnus of St. Michael's College in Vermont, I would be remiss if I failed to note that Diane received her master's in education degree from St. Michael's College in 2000. I believe that she embodies the core principles of the college's education programs with her skill in maintaining an inclusive classroom, while keeping a balance between challenge and support and between individual and community. Diane is a model teacher, and after decades of teaching, she is incredibly worthy of this recognition. Diane, again I say thank you for all that you do, and on behalf of the Senate, we say congratulations.

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID TAWEI LEE

• Mr. BAUCUS. Mr. President, I would like to acknowledge the service of Representative David Tawei Lee, who has given nearly 3 years of exceptional service as Taiwan's principal representative to the United States. Representative Lee recently departed Washington, DC, to take on his next assignment as Taiwan's Representative to Canada. He leaves behind a legacy of friendship, prosperity, and understanding.

When Representative Lee arrived in Washington, he came equipped with a wealth of experience and insight. A foremost expert on U.S.-Taiwan relations, Mr. Lee has studied, written, and published on U.S.-Taiwan political and economic ties, including the development of the Taiwan Relations Act. I believe Representative Lee will be remembered not only for his excellent knowledge of history but also for his accomplishments.

While serving in Washington, Representative Lee dedicated his energy, intelligence, and spirit to expanding Taiwan-American ties. He raised the cultural and political profile of Taiwan and its people with cultural and education programs. To enhance our economic ties, Representative Lee oversaw the successful acceleration of our bilateral Trade and Investment Agreement talks. And he worked tirelessly to raise awareness of the benefits of a potential U.S.-Taiwan Free Trade Agreement. In these areas alone, he has left a legacy of which he should take pride.

Representative Lee's dedication and efforts were also felt far beyond our Nation's Capital. Three years ago, I was delighted to personally welcome Mr. Lee to my home State of Montana. There he witnessed Big Sky Country in all of its glory, making friends with hospitable and generous Montanans. But together we also saw the deep and healthy roots of the Montana-Taiwan economic relationship. At its core are Montana's finest agricultural products, which have long found their way to Taiwanese dinner tables and bakeries. Today, Taiwan purchases over 30 million bushels of Montana wheat annu-

ally. Our fine Montana beef is also in demand. This relationship benefits families in both Montana and Taiwan. And I hope it will continue to grow stronger.

It has truly been a pleasure to work with Representative Lee. His personal touch to everything he did will not be forgotten. And the value of his contributions will be remembered for many years to come. I wish him luck in all of his future endeavors.●

TRIBUTE TO LOUISIANA WWII VETERANS

• Ms. LANDRIEU. Mr. President, I would like to take a moment to pay tribute to a group of 94 World War II veterans from Louisiana that is making its way to Washington this weekend. Here the veterans will visit the World War II, Korea, Vietnam and Iwo Jima memorials as well as Arlington National Cemetery to lay a wreath at the Tomb of the Unknowns.

The trip to the Nation's Capital this Saturday is being sponsored by a group in Lafayette, LA, called Louisiana HonorAir. The organization is honoring each surviving World War II Louisiana veteran by giving them a chance to see the memorials dedicated to their service. So far this year, there have been three trips to these Washington memorials and two more are planned, including this one.

World War II was the deadliest conflict in our history. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American service members were slain during the long war.

In Louisiana, there remain today about 44,000 living World War II veterans, and every one of them has their own heroic tale of their experience in achieving the noble victory of freedom over tyranny.

One of our veterans traveling for his first time to Washington is Frank Menard from Lafayette. Originally from Youngsville, he was drafted into the Army in 1942 at 21 years old and trained at Camp Claiborne in Rapides Parish. In 1943, he was sent to England as part of the Army's 101st Airborne Division, serving as a driver and a mechanic. He participated in many battles with the Nazis during his 3 years in Europe, including the Battle of Normandy, where an enemy artillery shell struck his truck, and the Battle of the Bulge, which severely crippled German forces. His French and German language skills helped him gather intelligence about enemy plans. During the Battle of the Bulge, he took a pregnant Belgian woman whose toes had been shot off by the Germans to an American hospital, saving her life. When he returned to Louisiana after the war, Frank used his mechanics skills to become a union electrician in Lake Charles and Lafayette, where he settled.

I ask the Senate to join me in honoring Frank Menard, the other 93 Louisiana heroes we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.●

IN HONOR OF REVEREND WALLACE S. HARTSFIELD

● Mrs. McCASKILL. Mr. President, I ask the Senate to join me today in honoring Rev. Dr. Wallace S. Hartsfield, a much-loved member of the Kansas City community. Reverend Hartsfield will soon retire after 40 years as the senior pastor of Metropolitan Missionary Baptist Church. He has served as Metropolitan's pastor since 1972 with the support of his wife Matilda and their four children. Prior to that, he held pastoral positions in South Carolina, Georgia, Florida, and Kansas.

Reverend Hartsfield's distinguished career in the ministry has touched thousands in Missouri. As the ambassador for his church, he has graced pulpits across the country bringing words of hope to the masses. He is a respected servant-leader of many organizations including the National Baptist Convention of America, Inc.; National Baptist Convention, USA; Congress of National Black Churches and the General Baptist State Convention of Missouri, Kansas, and Nebraska.

He has expanded his ministry as a community advocate. Reverend Hartsfield has spent much of his life speaking up for those whose voices are ignored on the subjects of civil rights, health care, education, crime and safety, and economic development. One of his bravest acts occurred in 1964 when five department stores in downtown Kansas City refused to allow African Americans to try on clothes, use the restrooms, drink at the water fountains, or eat at the lunch counters. Reverend Hartsfield organized a boycott and marched on the stores. Eventually African Americans were allowed to patronize these stores but it was not without the personal intervention of this inspirational leader.

His service has afforded him a seat at many tables where he has proven to be a skillful diplomat and a cunning negotiator. Reverend Hartsfield has worked on countless boards including those of the Jazz District Redevelopment Corporation, Greater Kansas City Community Foundation, Missouri Highway and Transportation Commission, and Kansas City Interfaith Council.

Reverend Hartsfield has a bachelor's degree in elementary education and minor degrees in religion and psychology from Clark College in Atlanta, GA. He also holds a bachelor and master of divinity from Gammon Theological Seminary in Atlanta. Dr. Hartsfield has served as an adjunct professor and guest lecturer at numerous colleges and universities across the Nation.

Reverend Hartsfield has been a mentor to many, from pastors to politicians. He continues to provide wise counsel to those who want to make a difference in the world. He also has the ability to identify hidden treasures in those who have not been afforded an opportunity to thrive. This precious gift has been the catalyst for many to realize their dreams.

For 40 years, the members of Metropolitan have been blessed to have this powerful leader at the helm. Reverend Hartsfield has worked hard and he has earned the opportunity to step back. However, we know his work is not yet done. He will continue shaping lives, communities and destinies for years to come.

During one of the many times he was honored for his good works it was said:

Wallace Hartsfield does battle with all the dark forces that would keep us from knowing and loving one another. With his Bible and his passion for justice and his rock-ribbed integrity, Reverend Wallace Hartsfield leads us to the high moral ground where all God's children sit down together as family at the table of peace and delight.

No truer words could be spoken.●

REMEMBERING WYNN SPEECE

● Mr. THUNE. Mr. President, today I recognize the passing of Wynn Speece. Wynn passed away on October 22, at Avera Sacred Heart Hospital in Yankton, SD, at the age of 90.

Many will remember Wynn as the "Neighbor Lady" from her WNAX talk radio show. For 64 years her voice came into the homes of countless Midwestern families. Her household tips, recipes, and personal anecdotes will be missed not only by South Dakotans but also by her many listeners throughout the Midwestern region.

Wynn grew up in Marshalltown, IA, where she took a special interest in home economics and theater. Upon her graduation from high school, she continued her education at Drake University where she majored in speech with a broadcasting emphasis. After her graduation in 1939, she took a job writing commercials for WNAX in Yankton, SD. It took 2 years of writing before WNAX gave Wynn her very own show. From the first show she was an instant success, and that success would follow the "Neighbor Lady" for the next 64 years.

Wynn won several awards for outstanding radio work. She was presented with the prestigious Marconi Award for "Best Small-Market Radio Personality" and was named one of the top 10 Yankton citizens of the 20th century by the Yankton Press and Dakotan. Not only was Wynn a celebrated radio host, but she also worked hard to make a positive impact on the community of Yankton. Her local involvement and selfless giving earned Wynn the 1991 Yankton Community Citizen of the Year Award.

Wynn Speece was an extraordinary woman and a great South Dakotan who will be greatly missed by all who knew her.●

REMEMBERING CAROLE HILLARD

● Mr. THUNE. Mr. President, today I recognize the passing of Carole Hillard, former Lieutenant Governor of South Dakota. Carole Hillard was a gracious woman with an authentic and deeply held passion for public service.

Ms. Hillard was born August 14, 1936, in Deadwood, SD. She attended the University of Arizona and received a degree in education in 1957. She received a master's degree in education from South Dakota State University in 1982 and a master's degree in political science from the University of South Dakota in 1984.

As the mother of five children, David, Sue Ellen, Todd, Eddie, and Lornell, she possessed the practical knowledge to connect with the needs of South Dakotans as she served on the South Dakota Board of Charities and Corrections, the Rapid City United Way Campaign, the South Dakota Children's Home Society, and as the first woman president of the Rapid City Council.

She was elected to the South Dakota House of Representatives in 1991 and served until 1994, at which point she became the first female Lieutenant Governor in South Dakota. From 1995 until 2003, Ms. Hillard graciously presided over the Senate and memorably seemed initially surprised when State Senators on the Senate floor formally referred to her as "Madam President." Her career in public service and the impact she had did not go unnoticed, as she won many awards in her lifetime, including the 1987 Public Service Award, the 1988 Governor's Outstanding Citizen Award, the 1993 South Dakota Outstanding Women Award, and induction into the South Dakota Hall of Fame in 2007.

Not only has she accomplished much for the State of South Dakota but she has also accomplished much on the international level. In recent years, Carole Hillard was an international consultant traveling on behalf of the U.S. Department of State. Ms. Hillard completed assignments to 67 countries such as Panama, the Czech Republic, San Salvador, Bosnia, and Africa. Recently, she also helped bring to life a skill-building workshop for residents of Kabul, Afghanistan, and supervised the January 2007 elections in the West Bank.

Carole Hillard's life accomplishments are truly remarkable. Her positive outlook on life, her integrity, and her warm personality truly embodied a woman whose passion was the betterment of humankind. While Ms. Hillard is no longer with us, her legacy of service to the people of South Dakota and her diligent work on the promotion of democracy and economic development will not be forgotten.●

MESSAGE FROM THE HOUSE
RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on October 24, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 995. An act to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bill was signed on October 24, 2007, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

MESSAGES FROM THE HOUSE

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 505. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

H.R. 1483. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

At 5:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3963. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1483. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE
CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3564. An act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 505. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

H.R. 3963. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

S. 2233. A bill to provide a permanent deduction for States and local general sales taxes.

S. 2234. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 2242. An original bill to amend the Trade Act of 1974 to establish supplemental agricultural disaster assistance and to amend the Internal Revenue Code of 1986 to provide tax incentives for conservation and alternative energy sources and to provide tax relief for farmers, and for other purposes (Rept. No. 110-206).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment and with an amended preamble:

S. Res. 346. A resolution expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 347. A resolution designating May 2008 as "National Be Bear Aware and Wildlife Stewardship Month".

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2229. A bill to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 2230. A bill to amend title VIII of the Public Health Service Act to expand the nurse student loan program, to establish grant programs to address the nursing shortage, to amend title VII of the Higher Education Act of 1965 to provide for a nurse faculty pilot project, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (by request):

S. 2231. A bill to authorize the Secretary of the Interior to strengthen cooperative conservation efforts and to reduce barriers to the use of partnerships to enable Federal natural resource managers to meet their obligations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. INOUE, Ms. MURKOWSKI, and Mr. AKAKA):

S. 2232. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes; to the Committee on Indian Affairs.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. ALEXANDER, and Mr. CORKER):

S. 2233. A bill to provide a permanent deduction for States and local general sales taxes; read the first time.

By Mr. CORNYN (for himself and Mr. ROBERTS):

S. 2234. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses; read the first time.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2235. A bill to designate the facility under development by the Stanislaus Ag Center Foundation, in Stanislaus County, California, as the National Ag Science Center; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER:

S. 2236. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to provide additional limitations on pre-existing condition exclusions in group health plans and health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 2237. A bill to fight crime; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. SCHUMER, Mr. INOUE, and Mr. SPECTER):

S. 2238. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 2239. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 2240. A bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2241. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public land under the jurisdiction of those agencies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2242. An original bill to amend the Trade Act of 1974 to establish supplemental agricultural disaster assistance and to amend the Internal Revenue Code of 1986 to provide tax incentives for conservation and alternative energy sources and to provide tax relief for farmers, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. SPECTER (for himself and Mr. WYDEN):

S. 2243. A bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes; to the Committee on Foreign Relations.

By Mr. REID (for Mrs. CLINTON):

S. 2244. A bill to require the Secretary of Health and Human Services to carry out demonstration projects and outreach programs for the identification and abatement of lead hazards, to establish the Joint Task Force on Lead-Based Hazards and the Task Force on Children's Environmental Health and Safety, to strengthen the authority of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 2245. A bill to establish a commission to ensure food safety in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. SANDERS):

S. Res. 356. A resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 367

At the request of Mr. DORGAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 450

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 591

At the request of Mr. CHAMBLISS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 591, a bill to amend the Food Stamp Act of 1977 to adjust for inflation the allowable amounts of financial resources of eligible households and to exclude from countable financial resources certain retirement and education accounts.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a Na-

tional Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 906

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 906, a bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1161

At the request of Mr. CRAIG, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1275

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cospon-

sor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1382

At the request of Mr. REID, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1843

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1843, supra.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1946

At the request of Mr. LEAHY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1946, a bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 2033

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2033, a bill to provide for greater disclosure to, and empowerment of, consumers who have entered into a contract for cellular telephone service.

S. 2054

At the request of Mr. BROWN, his name was added as a cosponsor of S.

2054, a bill to authorize the Secretary of Housing and Urban Development to make grants to assist cities with a vacant housing problem, and for other purposes.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2070

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2070, a bill to prevent Government shutdowns.

S. 2099

At the request of Mr. SALAZAR, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2172

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods

from Burma, to support democracy in Burma, and for other purposes.

S. 2187

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2187, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care workforce development initiatives, and for other purposes.

S. 2228

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2228, a bill to extend and improve agricultural programs, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S.J. Res. 22, supra.

S. CON. RES. 51

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Con. Res. 51, a concurrent resolution supporting "Lights On Afterschool!", a national celebration of after school programs.

S. RES. 346

At the request of Mr. INHOFE, his name was added as a cosponsor of S. Res. 346, a resolution expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes.

AMENDMENT NO. 2631

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 2631 proposed to H.R. 976, an act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2229. A bill to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range; to the Committee on Energy and Natural Resources.

Mr. BARRASSO. Mr. President, I rise because today is Wyoming's day, literally. It is a long awaited day, a day

that is special, a day that is as special as the mountain range that this day centers on, and as special as the State for which this mountain range is named.

This is a day of which I am proud to be a part, joining with the strong majority of Wyoming people who want the legislation I am introducing. It is the Wyoming Range Legacy Act of 2007.

Energy development is a proud part of Wyoming, and it is an important part of our Nation. But equal to that energy heritage is tourism and recreation—also a proud part of Wyoming and an important part of this Nation.

Wyoming is special. Reflecting both aspects of our economy, our people want a special balance between two of our top industries: energy and tourism and recreation.

Some of Wyoming's significant and important energy contributions to this great Nation encompass thousands of acres for our natural gas and energy fields. Meanwhile, independent and strong stands an isolated mountain range 100 miles long and 12,000 feet high. This range is named for our great State. It is that independent and wild mountain range—the Wyoming Range—that I want to focus on today, and well into the future, for the best future for Wyoming and for our people.

As leaders, there are things we do, defining actions, actions that go well beyond everyday issues. They surmount the daily noise and the disagreements, and they rise to the level of something else: It is to doing the right thing.

Today goes beyond the average day for Wyoming. As I said, today is Wyoming's day. It is a great day because it is today that a bill is introduced that will keep this special place on the map for tourism, for recreation, and for sportsmen forever.

We, as a State—the Governor and I—come together, cooperatively, to join in the memory of our dear friend Craig Thomas to finish his work, to keep and enhance the tourism, recreation, hunting, and sportsmen economy of the Wyoming Range, to preserve a key part of Wyoming's heritage.

This legislation, this initiative Craig Thomas was ready to introduce the week he passed goes to the very heart and soul of the great State of Wyoming. Indeed, this is a place where the heart and the soul of Wyoming run free and run wild.

This is 1.2 million acres for Wyoming tourism, sportsmen, and recreationists. This will mean that new, future leasing for oil and gas will be welcomed elsewhere in the State, and the Wyoming Range will remain in the recreational-based economy that now exists.

For those leases that have already been issued, this legislation provides a process for groups or individuals who are focused on conservation to buy back the value of those leases under voluntary purchase, and then retire them forever.

We all must recognize that the issued leases do have a value because they are

now legal property. At the same time, we can encourage all at the table—leaders, conservationists, and the private sector—to work toward doing the right thing. That process is now appropriately outside of the legislation and is ongoing.

For the recently issued leases that amount to some 44,000 acres, I have great confidence we will be able to work out creative solutions with respect on all sides.

But let us look at the bigger picture in this bill, with emphasis on an important, central point: What was the last bold move for Wyoming tourism? I proudly say, 1.2 million acres for Wyoming tourism, for Wyoming sportsmen, and for Wyoming outfitters and guides—all of whom contribute millions to our economy.

This is not a bill that “locks up” land. To the contrary, it is a bill for economic prosperity, for recreation, and for tourism. What we do in this important piece of legislation is to recognize an economic base and then enhance it. Let me repeat—because this is a very important point—we are taking the existing economic base and enhancing it in the Wyoming Range.

The Wyoming Range is a recreational-based economic zone. Yes, there are symbolic reasons for this initiative. It is the Wyoming Range, after all. But there is hard math at the core of this legislation. Tourism and recreation in our Wyoming economy matters. And doing the right thing matters. It matters for future generations of Wyoming people who will someday hunt and fish and hike in these mountains. It is also a place where Wyoming’s agricultural industry has thrived for years. With this legislation, grazing and Wyoming’s cowboy heritage will continue to thrive.

I want to read you something from 1961 that still applies very much today. It goes to the heart of maintaining proper balance and multiple use of our land:

Another factor in maintaining balance involves the element of time. As we peer into society’s future, we—you and I, and our government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without asking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.

Those words were spoken by President Dwight Eisenhower in his final address as he left the Presidency. The children who were listening to his words back then are now grown and have grandchildren of their own.

The Wyoming Range—the range named for our beloved State—has symbolic meaning, inherent values. It is the heart and the soul of a great State, a spiritual heritage, now a physical reality.

Mr. President, today is Wyoming’s day, for the Wyoming range, and for the people who love it.

By Mr. BIDEN:

S. 2230. A bill to amend title VIII of the Public Health Service Act to expand the nurse student loan program, to establish grant programs to address the nursing shortage, to amend title VII of the Higher Education Act of 1965 to provide for a nurse faculty pilot project, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, today I am honored to introduce the Nursing Education Opportunities Act. This bill seeks to help alleviate both the nursing shortage faced in hospitals and clinics throughout the country, as well as the faculty shortage in nursing schools that constrains the number of new nurses who can be trained to fill the vacancies in our health facilities.

As most people who have heard me talk about health care know, nurses have a soft spot in my heart. In 1987, I was stricken with a brain aneurysm and spent months recovering at Walter Reed Hospital. The surgeons who operated on me were spectacular and I can never thank them enough. But the nurses who took care of me during my stay at Walter Reed were the embodiment of absolute comfort and unquestioning kindness. Along with the top notch medical care they provided me, the nurses at Walter Reed literally breathed life back into my lungs, washed me, brushed my teeth and went on search missions for the most comfortable pillows available. As I often say, if there are any angels in heaven, they must be nurses.

Unfortunately, right now our country is facing a nursing shortage. The American Hospital Association reported in July 2007 that United States hospitals had an estimated 116,000 registered nurse vacancies as of December 2006. Despite the nurse shortage and efforts to increase the pool of qualified nurses, schools of nursing struggle to increase student capacity. According to the American Association of Colleges of Nursing, AACN, the U.S. nursing schools turned away nearly 43,000 qualified applicants in 2006 primarily due to an insufficient number of faculty.

AACN reported in July 2006, a total of 637 faculty vacancies at 329 nursing schools with baccalaureate or graduate programs, or both, across the Nation. Besides the vacancies, schools cited the need to create an additional 55 faculty positions to accommodate student demand. Most of the vacancies, approximately 53.7 percent, were faculty positions requiring a doctoral degree.

The average ages of doctorally prepared nurse faculty holding the ranks of professor, associate professor and assistant professor are 58.6, 55.8, and 51.6 years, respectively. Considering the average age of nurse faculty at retirement is 62.5 years, a wave of nurse faculty retirements is expected in the next decade. In fact, in 2007 the Association of Academic Health Centers surveyed chief executive officers from

academic health centers regarding faculty shortages across various health professions. The CEOs rated the nursing faculty shortage as the most severe of all health professions with 81 percent noting the nursing faculty shortage as a problem.

To address this nurse faculty shortage and to get more nurses trained, this bill provides three mechanisms to increase the number of and access to nurse faculty.

First, the bill establishes a grant program to help schools establish doctoral nursing programs. Right now, there are 8 States, including my home State of Delaware, which do not have a doctoral nursing program in their State. This bill allows eligible schools to receive a grant up to \$2,000,000 to be used to establish a doctoral degree program. The funds can be used to hire administrators, faculty and staff; retain current faculty; develop doctoral curriculum; repair and expand infrastructures; purchase additional equipment; develop and enhance clinical laboratories; recruit students; establish technology infrastructures; and other investments deemed necessary.

Second, this bill establishes a doctoral nursing consortia pilot project to provide grants to partnerships of schools to allow them to share doctoral faculty and programmatic resources. This would allow schools with a shortage of faculty at the doctoral level to partner with other schools to provide proper education for their students. These grants can be awarded up to \$500,000 and can be used to establish technology infrastructures; develop shared doctoral curriculum; hire faculty and staff; retain current faculty; provide travel stipends for nursing faculty who agree to teach nursing courses at consortium schools; provide scholarships for post-doctoral fellows who agree to teach a nursing course within the nursing doctoral curriculum; provide collaborative networks for nursing research; and other investments determined necessary.

Third, I am pleased to include a nurse faculty pilot project that was part of the Nurse Faculty Higher Education Act introduced in the House of Representatives by Representative CAROLYN MCCARTHY. This pilot project would provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to fund release time for qualified nurse employees so they can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty. In short, this will make it easier for nurses to pursue an advanced degree by allowing them to work part time and retain some of their salary. Many nurses currently cannot afford to leave their jobs to go back to school because they would lose their salaries.

In addition to these three provisions, the bill also amends the Public Health Service Act to provide that, in the case of a nurse faculty shortage, the Secretary of Health and Human Services

may obligate more than 10 percent of traineeships through the Advanced Education Nursing Grants for individuals in doctoral degree nursing programs. This is important to help advance nursing education and allow greater funding opportunities for doctoral students.

But while this bill focuses heavily on increasing the number of nurse faculty to allow nursing schools to train more nurses, it also seeks to help nursing students as well.

First, the bill explicitly includes accelerated degree nursing students as eligible for financial assistance through nursing programs in the Public Health Service Act, including the Nursing Student Loan Program. To address the shortage of qualified nurses, schools of nursing have developed accelerated, second-baccalaureate degree programs in nursing. Students in accelerated degree programs are those with a baccalaureate degree in another field who have decided to return to school to get a degree in nursing. The students in these programs have difficulty securing federal funding as this program category is not easily defined. Accelerated nursing degree programs are not typical 4-year baccalaureate degree programs, as they take between 1 and 2 years to complete. However, they are becoming increasingly popular. In 2005, these programs graduated 3,769 students. In 2006 they graduated 5,236—an additional 1,467 nursing graduates in a single year. Hospitals and other health facilities like hiring graduates from accelerated nursing degree programs because they often have demonstrated a record of success and work-ethic that facilitates a more rapid and smooth transition in to the highly complex health care environment. Accelerated nursing degree students are a critical element to meeting this country's nursing needs.

Additionally, it is time to raise the yearly loan amounts available to all nursing students through the Nursing Student Loan Program. This important program, which provides long-term, low interest-rate loans to full-time and half-time financially needy students pursuing a course of study leading to a diploma, associate, baccalaureate or graduate degree in nursing, has not adjusted the maximum yearly loan amounts available for over a decade. Currently, a student can receive a maximum yearly loan of \$2,500 for their first 2 years in a nursing school and \$4,000 per year during their second 2 years. This bill would adjust these totals to \$4,400 in the first 2 years and \$7,000 in the second 2 years, respectively. It is time to raise the yearly loan amounts, as the cost of tuition at nursing schools has increased substantially over the past decade.

It is imperative that we in Congress act to help alleviate the nursing shortage and the nurse faculty shortage in this country. Nurses comprise the largest segment of health care providers in this country and they are crucial in en-

suring the quality of care that Americans receive. I believe the initiatives contained in the Nursing Education Opportunities Act can help reduce these shortages. The American Academy of Nursing, American Association of Colleges of Nursing, American Nephrology Nurses' Association, American Nurses Association, American Organization of Nurse Executives, Association of Women's Health, Obstetric and Neonatal Nurses and the National League for Nursing all support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing Education Opportunities Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The American Hospital Association reported in July 2007 that United States hospitals need approximately 116,000 registered nurses to fill vacant positions nationwide.

(2) To address the shortage of qualified nurses, schools of nursing have developed accelerated, second-baccalaureate degree programs in nursing. In 2005, these programs graduated 3,769 students. The number of accelerated degree graduates in 2006 was 5,236. This is an additional 1,467 nursing graduates in 1 year.

(3) Despite the nurse shortage and efforts to increase the pool of qualified nurses, schools of nursing struggle to increase student capacity. According to the American Association of Colleges of Nursing (referred to in this Act as the "AACN"), United States nursing schools turned away nearly 43,000 qualified applicants in 2006 primarily due to an insufficient number of faculty.

(4) The AACN reported in July 2006, a total of 637 faculty vacancies at 329 nursing schools with baccalaureate or graduate programs, or both, across the Nation. Besides the vacancies, schools cited the need to create an additional 55 faculty positions to accommodate student demand. Most of the vacancies (53.7 percent) were faculty positions requiring a doctoral degree.

(5) In 2007, the Association of Academic Health Centers surveyed chief executive officers (CEOs) from academic health centers regarding faculty shortages across various health professions. The CEOs rated the nursing faculty shortage as the most severe of all health professions with 81 percent noting the nursing faculty shortage as a problem.

(6) The average ages of doctorally-prepared nurse faculty holding the ranks of professor, associate professor, and assistant professor are 58.6, 55.8, and 51.6 years, respectively. Considering the average age of nurse faculty at retirement is 62.5 years, a wave of nurse faculty retirements is expected in the next decade.

(7) Master's and doctoral programs in nursing are not producing a large enough pool of potential nurse educators to meet the demand. In 2006, the AACN found that graduations from doctoral nursing programs were up by only 1.4 percent from the previous academic year.

(8) Nurses are vital to the Nation's health care delivery system. Due to the nurse short-

age, patient safety and quality of care are at risk. Given the findings described in paragraphs (1) through (7), measures must be taken to address the nurse shortage and nursing faculty shortage.

SEC. 3. NURSING STUDENT LOAN PROGRAM.

Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

(1) in section 835(b)(4), by inserting "(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree or a master's degree as an entry level nursing degree)" after "graduate degree in nursing"; and

(2) in section 836—

(A) in subsection (a)—

(i) by striking "\$2,500" and inserting "\$4,400";

(ii) by striking "\$4,000" and inserting "\$7,000"; and

(iii) by striking "\$13,000" and inserting "\$22,900"; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting "(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree or a master's degree as an entry level nursing degree)" after "graduate degree in nursing"; and

(ii) in paragraph (2), by inserting "(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree)" after "equivalent degree".

SEC. 4. ACCELERATED NURSING DEGREE PROGRAMS.

Section 801(3) of the Public Health Service Act (42 U.S.C. 296(3)) is amended by inserting "(including an accelerated nursing degree program)" before "and including".

SEC. 5. ADVANCED EDUCATION NURSING GRANTS.

Section 811(f)(2) of the Public Health Service Act (42 U.S.C. 296j(f)(2)) is amended by striking the period at the end and inserting ", except in the case of a nurse faculty shortage, the Secretary may, in the Secretary's discretion, obligate more than 10 percent of such traineeships for individuals in doctoral degree programs."

SEC. 6. GRANT PROGRAM FOR DOCTORAL NURSING PROGRAMS.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

"SEC. 832. GRANT PROGRAM FOR DOCTORAL NURSING PROGRAMS.

"(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enable the eligible entities to establish doctoral nursing degree programs.

"(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity that is 1 of the 'eligible entities' as such term is defined in section 801.

"(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(d) SELECTION OF GRANT RECIPIENTS.—Not later than 6 months after the date of enactment of the Nursing Education Opportunities Act, the Secretary shall establish requirements and procedures for the administration of grants under this section and procedures for selecting grant recipients. In awarding grants under this section, the Secretary shall consider the following:

"(1) DOCTORAL NURSING PROGRAM DISTRIBUTION.—Providing priority to eligible entities located in States in which there are no doctoral nursing degree programs.

"(2) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

“(3) RURAL AND URBAN AREAS.—Distributing such grants to rural and urban areas.

“(4) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Whether the eligible entity has demonstrated—

“(A) prior experience in, or exceptional programs for, the preparation of baccalaureate prepared nurses or master's prepared nurses; and

“(B) an interest in establishing a doctoral nursing degree program.

“(e) GRANT AMOUNT.—Each grant awarded under this section shall be equal to not more than \$2,000,000.

“(f) GRANT DURATION.—A grant awarded under this section shall be for a period of not more than 5 years.

“(g) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant funds to establish a doctoral nursing degree program, including—

“(1) hiring administrators, faculty, and staff;

“(2) retaining current faculty;

“(3) developing doctoral curriculum;

“(4) repairing and expanding infrastructures;

“(5) purchasing educational equipment;

“(6) developing and enhancing clinical laboratories;

“(7) recruiting students;

“(8) establishing technology infrastructures; and

“(9) other investments determined necessary by the eligible entity for the development of a doctoral nursing degree program.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than \$40,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.”

SEC. 7. DOCTORAL NURSING CONSORTIA PILOT PROJECT.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.), as amended by section 6, is further amended by adding at the end the following:

“SEC. 833. DOCTORAL NURSING CONSORTIA PILOT PROJECT.

“(a) PURPOSE.—The purpose of the pilot project under this section is to provide grants to partnerships of eligible entities to establish consortia to enhance and expand the availability of doctoral nurse faculty and education by enabling the partners involved to share doctoral faculty and programmatic resources so that the nursing faculty shortage does not further inhibit the preparation of future nurses or nurse faculty.

“(b) IN GENERAL.—The Secretary shall award grants to partnerships of eligible entities to enable the partnerships to establish doctoral nursing consortia.

“(c) DEFINITIONS.—In this section:

“(1) DOCTORAL NURSING CONSORTIUM.—The term ‘doctoral nursing consortium’ means a partnership that includes 2 or more of—

“(A) eligible entities within the same State;

“(B) eligible entities within different States; or

“(C) eligible entities establishing a doctoral nursing program.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ has the meaning given the term in section 832(b).

“(d) APPLICATION.—A partnership of eligible entities that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such partnership may apply for a grant under this section each year of the pilot project.

“(e) SELECTION.—Not later than 6 months after the date of enactment of the Nursing

Education Opportunities Act, the Secretary shall establish requirements and procedures for the administration of grants under this section and procedures for selecting grant recipients.

“(f) CONSIDERATION IN MAKING AWARDS.—In awarding grants under this section, the Secretary shall consider the following:

“(1) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Eligible entities that have demonstrated prior experience in, or exceptional programs for, the preparation of—

“(A) doctorally prepared nursing faculty and nursing researchers; and

“(B) baccalaureate prepared nurses or master's prepared nurses.

“(2) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

“(3) RURAL AND URBAN AREAS.—Distributing such grants to rural and urban areas.

“(4) NEW GRANTEES.—Awarding grants to eligible entities that have not previously received a grant under this section.

“(g) GRANT AMOUNT.—The Secretary shall determine the amount of each grant awarded under this section based on the purpose of this section, which amount shall not be more than \$500,000.

“(h) USE OF FUNDS.—A partnership of eligible entities that receives a grant under this section shall use the grant funds to establish a doctoral nursing consortium that shall share doctoral faculty and programmatic resources, such as—

“(1) establishing technology infrastructures;

“(2) developing shared doctoral curriculum;

“(3) hiring faculty and staff;

“(4) retaining current faculty;

“(5) providing travel stipends for nursing faculty who agree to teach nursing courses at another eligible entity within the doctoral nursing consortium;

“(6) providing scholarships for post-doctoral fellows who agree to teach a nursing course within the nursing doctoral consortium;

“(7) providing collaborative networks for nursing research; and

“(8) other investments determined necessary by the eligible entities for use within the doctoral nursing consortium.

“(i) GRANT DURATION.—The pilot project under this section shall be for a period of not more than 5 years.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than \$10,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.”

SEC. 8. NURSE FACULTY PILOT PROJECT.

Title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.) is amended by adding at the end the following:

“PART F—NURSE FACULTY PILOT PROJECT

“SEC. 781. PURPOSES.

“The purposes of this part are to create a pilot program—

“(1) to provide scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program; and

“(2) to provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to fund release time for qualified nurse employees, so that those employees can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty.

“SEC. 782. ASSISTANCE AUTHORIZED.

“(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may, on a competitive basis, award grants to, and enter into contracts

and cooperative agreements with, partnerships composed of an accredited school of nursing at an institution of higher education and a hospital or health facility to establish not more than 5 pilot projects to enable such hospital or health facility to retain its staff of experienced nurses while providing a mechanism to have these individuals become, through an accelerated nursing education program, faculty members of an accredited school of nursing.

“(b) DURATION; EVALUATION AND DISSEMINATION.—

“(1) DURATION.—Grants under this part shall be awarded for a period of 3 to 5 years.

“(2) MANDATORY EVALUATION AND DISSEMINATION.—Grants under this part shall be primarily used for evaluation, and dissemination to other institutions of higher education, of the information obtained through the activities described in section 781(2).

“(c) CONSIDERATIONS IN MAKING AWARDS.—In awarding grants and entering into contracts and cooperative agreements under this section, the Secretary shall consider the following:

“(1) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

“(2) RURAL AND URBAN AREAS.—Distributing such grants to urban and rural areas.

“(3) RANGE AND TYPE OF INSTITUTION.—Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education.

“(4) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Institutions of higher education with demonstrated prior experience in providing advanced nursing education programs to prepare nurses interested in pursuing a faculty role.

“(d) USES OF FUNDS.—Funds made available by grant, contract, or cooperative agreement under this part may be used—

“(1) to develop a new national demonstration initiative to align nursing education with the emerging challenges of healthcare delivery; and

“(2) for any 1 or more of the following innovations in educational programs:

“(A) To develop a clinical simulation laboratory in a hospital, health facility, or accredited school of nursing.

“(B) To purchase distance learning technologies.

“(C) To fund release time for qualified nurses enrolled in the graduate nursing program.

“(D) To provide for faculty salaries.

“(E) To collect and analyze data on educational outcomes.

“SEC. 783. APPLICATIONS.

“Each partnership desiring to receive a grant, contract, or cooperative agreement under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include assurances that—

“(1) the individuals enrolled in the program will be qualified nurses in pursuit of a master's or doctoral degree in nursing and have a contractual obligation with the hospital or health facility that is in partnership with the institution of higher education;

“(2) the hospital or health facility of employment would be the clinical site for the accredited school of nursing program;

“(3) individuals will also maintain their employment on a part time basis to the hospital or health facility that allowed them to participate in the program, and will receive an income from the hospital or health facility, as a part time employee, and release times or flexible schedules to accommodate the individuals' class schedules; and

“(4) upon completion of the program, an individual agrees to teach for 2 years in an

accredited school of nursing for each year of support the individual received under this program.

“SEC. 784. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated for this part not more than \$10,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“SEC. 785. DEFINITION.

“For purposes of this part, the term ‘health facility’ means an Indian Health Service health service center, a Native Hawaiian health center, a hospital, a Federally qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, or ambulatory surgical center.”.

By Mr. BINGAMAN (by request):

S. 2231. A bill to authorize the Secretary of the Interior to strengthen cooperative conservation efforts and to reduce barriers to the use of partnerships to enable Federal natural resource managers to meet their obligations, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on June 19, 2007, the administration transmitted draft legislation entitled the Cooperative Conservation Enhancement Act, which was referred to the Committee on Energy and Natural Resources.

I am pleased today to introduce the Cooperative Conservation Enhancement Act, by request, as a courtesy to the administration. This bill would clarify the responsibilities and authorities of the Secretary of the Interior to enter into cooperative conservation partnerships.

I ask unanimous consent that the text of the bill, a letter of support, and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cooperative Conservation Enhancement Act”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) fostering innovation, emphasizing partnerships, creating incentives for stewardship, drawing on information from local citizens, and providing integrated decision-making frameworks that involve States and localities in Federal decision-making are successful cooperative conservation strategies that help conserve our Nation’s natural resources and protect our environment;

(2) Americans favor environmental protection and natural resource management achieved through cooperation over conflict, which is the goal of cooperative conservation;

(3) successful conservation policies reside in the efforts of citizens to maintain healthy land and waters and the wildlife that depend on them, in particular, in the actions of citizens in their own backyards, at their places of recreation and work, on farms and

ranches, and in communities across the Nation;

(4) to ensure long-term benefits and to meet program goals, it is important for Federal, State, and local officials to tap the ingenuity, imagination, and innovative spirit of citizens at the local level, which is where the resolution to many conservation challenges lies;

(5) cooperative conservation represents a proven and necessary approach to achieving conservation goals, and includes the people who engage in activities on public and private land and established measures by which to judge whether actions have truly improved the environment, enhanced natural resources, maintained healthy local communities, and fostered dynamic economies;

(6) through cooperative conservation, benefits to the environment and natural resources are measured by results on the ground, in the water, and in the air;

(7) cooperative conservation emphasizes cooperative problem solving, incentives, and cooperation over prescriptive rules;

(8) cooperative conservation respects property rights, contracts, and compacts;

(9) actions taken by the Executive Branch to further cooperative conservation have begun to show tangible results in addressing the challenges that citizens and Federal land managers are facing as they work to improve land, waters, and wildlife habitat through partnered problem solving;

(10) it is the intent of Congress to recognize the importance of enhancing means available to landowners, States, Indian tribes, and Federal land managers to achieve improvements to the environment and natural resources through cooperative conservation; and

(11) the Secretary of the Interior is generally authorized to undertake many activities with partners to conserve natural resources and protect the environment, but that specific authorization to accomplish these goals through cooperative conservation would reinforce the importance of these goals.

(b) PURPOSES.—The purposes of this Act are—

(1) to strengthen and advance the Department of the Interior’s commitment to the improvement of the environment and enhancement of natural resources through cooperative conservation efforts;

(2) to advance successful models of cooperative conservation by ensuring clear, but flexible, authority for programs currently carried out by the Department through its bureaus under many disparate authorities;

(3) to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities to better promote conservation partnerships with private individuals, organizations, and government entities;

(4) to further the use of partnerships to help the Department’s land and natural resource managers better meet their obligations;

(5) to promote conservation partnership capacity building; and

(6) to authorize the use of collaborative problem solving and alternative dispute resolution in the Department’s bureaus and offices.

SEC. 3. DEFINITIONS.

In this Act:

(1) COOPERATIVE CONSERVATION.—The term “cooperative conservation” means actions that relate to the use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among Federal, State, local, and tribal governments, private for-profit and nonprofit institutions, other non-governmental entities, or individuals.

(2) DEPARTMENT.—The term “Department” means the Department of the Interior.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

TITLE I—WORKING LANDSCAPE PROJECTS

SEC. 101. SHORT TITLE.

This title may be cited as the “Working Landscape Projects Act of 2007.”

SEC. 102. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE SERVICES.—The term “administrative services” includes services and costs associated with the operations of activities authorized under this title. These services and costs shall include meeting announcements, copying, and personnel and reasonable rental costs for facilities necessary for implementing this title. Such services and costs shall be consistent with applicable federal rules, regulations, and guidance.

(2) GOVERNANCE ACTIVITIES.—The term “governance activities” means those activities required to ensure the operation and implementation of projects described under this title, including hiring personnel to coordinate project implementation, providing oversight and monitoring of projects and project goals, performing adaptive management techniques on projects, coordinating activities with various partners, performing scientific oversight of projects, including commissioning scientific studies, and requesting data from Federal, State, and local government officials, nonprofit organizations, and private individuals.

(3) INFORMATION DISSEMINATION ACTIVITIES.—The term “information dissemination activities” includes broadcasting the announcement of meetings and the distribution of reports, memos, and other relevant information necessary for carrying out the authorities under this title.

(4) LANDSCAPE PROJECT PARTNER.—The term “landscape project partner” means a representative of Federal, State, or tribal governments, private landowners or corporations, or nonprofit organizations.

SEC. 103. AUTHORIZATION FOR ADMINISTRATIVE, GOVERNANCE, AND INFORMATION DISSEMINATION PURPOSES.

(a) IN GENERAL.—(1) The Secretary is authorized, through a competitive process, to directly fund or reimburse landscape project partners for the development or maintenance of necessary administrative services, governance activities, and information dissemination activities necessary for the implementation of a landscape project.

(2) The funding under paragraph (1) shall not exceed 3 years for a particular project.

(3) In order to qualify for administrative funding, a project shall—

(A) include participation by representatives from a diversity of individuals and organizations, including government;

(B) affect several jurisdictions or land ownerships; and

(C) have the potential for advancing cooperative conservation across a geographical area.

(b) ELIGIBLE PROJECTS.—Such projects may include—

(1) established cooperative projects that have a documented record of success and demonstrated leadership and organizational capacity;

(2) existing conservation projects that are at the stage of forming partnerships and require sustained capacity building; or

(3) new or proposed projects that have a plan for establishing partnerships and developing landscape-based projects.

(c) CRITERIA.—Eligible applications shall—

(1) exhibit a clear purpose;

(2) demonstrate, or have a plan for establishing, partnerships which include representation of key interests through multiple partners;

(3) use, or plan to use in the future, coordinated management with Federal and other partners;

(4) have developed performance goals and objectives consistent, where appropriate, with departmental goals;

(5) have developed a plan for implementing, monitoring, and evaluating achievement of project performance goals and objectives;

(6) include non-Federal partners who commit resources to the project such as technical resources or other funds, in-kind services, contributions of individuals' time, or meeting support;

(7) demonstrate processes, practices, and outcomes that can have general application by Federal agencies and other non-Federal entities;

(8) receive Federal funding through a competitive process established by the Secretary; and

(9) have or expect to develop a plan for phasing to an alternative non-Federal source of funds to sustain the partnership at the conclusion of the Federal partnership period.

(d) **CONSERVATION PROJECT COORDINATOR.**—(1) Within 3 months after the date of enactment of this Act, the Secretary may designate a Department employee as a Conservation Project Coordinator (referred to in this subsection as the "Coordinator"), who shall—

(A) serve as the primary Federal coordinator of the projects that receive funding under this section; and

(B) oversee and encourage the expedited review and execution of any and all Federal decisions associated with such projects, including the issuance of necessary guidance, decision memoranda, regulations, and other activities, as necessary.

(2) The Coordinator may also carry out such other related cooperative conservation related activities and projects as the Secretary deems appropriate.

(3) All actions carried out by the Coordinator shall be related to the authorized programs and activities of the Department.

SEC. 104. FUNDING.

For the purpose of implementing section 103 and from amounts available for programs identified in the President's annual budget submission as Cooperative Conservation Programs, the Secretary is authorized to use—

(1) up to 5 percent of the funds made available for fiscal year 2008;

(2) up to 6 percent of the funds made available for fiscal year 2009; and

(3) up to 7 percent of the funds made available for fiscal year 2010.

TITLE II—LANDOWNER CONSERVATION ASSISTANCE MEASURES

SEC. 201. SHORT TITLE.

This title may be cited as the "Conservation Bank Program Act".

SEC. 202. DEFINITIONS.

In this title:

(1) **BANK OPERATOR.**—The term "bank operator" means any public or private entity responsible for operating or managing a conservation bank under an agreement with a bank sponsor.

(2) **BANK SPONSOR.**—The term "bank sponsor" means any public or private entity responsible for establishing and, in most circumstances, operating or managing a conservation bank and for ensuring that the conservation bank complies with all applicable laws.

(3) **CONSERVATION BANK.**—The term "conservation bank" means a parcel of land that—

(A) contains natural resource values that are ecologically suitable with regard to topographic features, habitat quality, compatibility of existing and future land use activities surrounding the bank, species use of the area, or any other factors determined to be relevant by the Secretary for achieving mitigation of specified species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or candidates for listing under that Act;

(B) is conserved and operated or managed in perpetuity through a conservation easement held by a bank sponsor which is responsible for enforcing the terms of the easement for specified species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or which are candidates for listing under that Act; and

(C) is used to offset impacts occurring elsewhere to the same resource values on non-conservation bank land.

(4) **CONSERVATION BANK AGREEMENT.**—The term "conservation bank agreement" means a legally enforceable written agreement between the conservation bank sponsor and, if applicable, operator, and the Secretary that identifies the conditions and criteria under which the conservation bank will be established and operated or managed.

(5) **CONSERVATION BANK REVIEW TEAM.**—The term "Conservation Bank Review Team" means the interagency group that can include Federal, State, tribal, and local regulatory and resource agency representatives that are signatories to a conservation bank agreement and which oversee the establishment, use, and operation of a conservation bank.

(6) **CREDIT.**—The term "credit" means a unit of measure representing the quantification of species or habitat conservation values within a conservation bank.

SEC. 203. ESTABLISHMENT, USE, AND OPERATION OF CONSERVATION BANKS.

(a) **CONSERVATION BANKING.**—(1) The Secretary, acting through the United States Fish and Wildlife Service, shall select the members of and convene a Conservation Bank Review Team to evaluate for acceptance proposals received from bank sponsors to establish conservation banks according to criteria that the Secretary shall establish in accordance with subsection (b).

(2) If the Conservation Bank Review Team recommends a proposal, it shall present the proposal to the Secretary, who may modify or accept the proposal.

(3) If the Secretary accepts the proposal, the Secretary may enter into a conservation bank agreement and is responsible for establishing the terms under which the conservation bank will operate.

(4) Representatives on the Conservation Bank Review Team must unanimously agree in order for an acceptance to be transmitted to the Secretary.

(b) **CRITERIA FOR CONSERVATION BANKS.**—In determining whether to approve a conservation bank proposal, a Conservation Bank Review Team shall consider such factors as the Secretary determines are appropriate, including whether the conservation bank would—

(1) provide an economically effective process that provides options to landowners to offset the adverse effects of proposed projects to species covered by the conservation bank;

(2) provide adequate mitigation for the species through such strategies as preservation, management, restoration of degraded habitat, connecting of separated habitats, buffering of already protected areas, creation of habitat, and other appropriate actions;

(3) be of sufficient size to ensure the maintenance of ecological integrity in perpetuity; and

(4) provide funding assurances to provide for the conservation bank's perpetual operation, management, monitoring, and documentation costs.

(c) **CONSERVATION BANK AGREEMENT REQUIREMENTS.**—The bank agreement shall—

(1) include a requirement for adequate funding, as determined by the Secretary, to provide for the conservation bank's perpetual operation, management, monitoring, and documentation costs;

(2) specify the exact legal location of the conservation bank and its service area;

(3) specify how credits will be established and managed;

(4) include a requirement that the bank sponsor submit, at the Secretary's request, periodic statements detailing the finances of the conservation bank; and

(5) require submission to the Secretary of periodic monitoring reports on implementation of the conservation bank agreement and such other matters as the Secretary may prescribe.

(d) **JUDICIAL REVIEW.**—Any party to an agreement entered into under this section may bring an action for violation of that agreement in the United States District Court for the District of Columbia.

(e) **EFFECT ON EXISTING CONSERVATION BANKS.**—Conservation banks established before the date of enactment of this Act are not required to comply with the criteria in this Act, except where such conservation banks create new conservation banks that are separate from the existing bank.

TITLE III—PROMOTING PARTNERSHIPS

SEC. 301. COOPERATION WITH OUTSIDE ENTITIES.

Except as otherwise provided, in carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to—

(1) provide assistance to, and cooperate with, Federal, State, local, public or private agencies, organizations, or individuals or Indian tribes for purposes of carrying out any measures that clearly and directly contribute to achieving conservation or natural resource management-related mission and performance goals of the Department or its bureaus; and

(2) accept donations of land and or interests in land in furtherance of the purposes of this section.

SEC. 302. ABILITY TO EXPEND FUNDS TO BENEFIT DEPARTMENT LAND.

(a) **AUTHORIZATION OF ACTIVITIES.**—In carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to carry out activities on nonfederally owned land provided those activities directly benefit the resource values and management of Federal land, including—

(1) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(2) the prevention, control, or eradication of invasive exotic species that occupy adjacent non-Federal land; or

(3) the restoration of natural resources, including native wildlife habitat.

(b) **LIMITATIONS.**—Such activities may only be conducted with the written permission of the landowner, and must clearly and directly benefit the specific Department land management unit by directly contributing to the programmatic and performance goals of that unit.

(c) **INELIGIBLE ACTIVITIES.**—Eligible activities shall not include the construction of permanent capital improvements or acquisition of land.

(d) **RELATIONSHIP TO EXISTING PROGRAMS.**—Nothing in this section supersedes or otherwise affects or alters the authority provided in title V.

SEC. 303. PUBLICIZING AND PROVIDING NON-FINANCIAL ASSISTANCE TO PARTNERSHIPS.

(a) IN GENERAL.—In carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to—

(1) publicize partnership programs and opportunities through publication of announcements in newspapers of general circulation, in the Federal Register, or such other methods as the Secretary determines are appropriate; and

(2) provide nonfinancial assistance to private individuals who are establishing nonprofit groups that are intended to support the mission of a bureau or of a particular management unit of a bureau, such as a park or refuge.

(b) CLARIFICATIONS.—(1) Nothing in this section shall authorize a Department employee to establish a nonprofit entity or other corporate entity to support the Department's mission, including by acting as an incorporator, founding board member, or by assuming any management or fiduciary responsibilities with respect to any such nonprofit or corporate entity.

(2) Nothing in this section shall waive the application of the provisions of section 1913 of title 18, United States Code.

SEC. 304. CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.

(a) DEFINITION OF CENTER OF EXCELLENCE FOR PARTNERSHIP LEARNING.—In this section, the term "Center of Excellence for Partnership Learning" or "Center" means a Federal facility that is identified by the appropriate Secretary as meeting criteria established under this section and which provides Federal employees and their partners the opportunity to learn cooperative conservation-related best practices.

(b) IN GENERAL.—(1) In carrying out existing programs within the sums appropriated for such purposes, the Secretary and the Secretary of Agriculture may identify as Centers of Excellence for Partnership Learning sites under their jurisdiction that meet the criteria in subsection (c) with the purpose of providing Federal employees and partners, including State and local government employees, nonprofit employees, private sector employees, and employees of Indian tribes, the opportunity to learn the best practices involved in creating successful partnerships and a culture of collaboration.

(2) Each Center identified under this section may develop and host a schedule of activities including—

(A) visits;

(B) seminars and other educational courses; and

(C) opportunities for details or job swaps.

(3) To the maximum extent practicable, each Center shall develop and accept applications for participation in Center activities from employees of the Department or the Department of Agriculture or of their partnering entities on a first-come, first-served basis.

(c) CRITERIA FOR IDENTIFYING CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.—Each Center shall be identified based on the following criteria:

(1) Partnership culture has been successfully integrated into the organization, and is not dependent on any particular individual.

(2) The organization has demonstrated partnership success stories that relate to identified partnership competencies.

(3) The organization has the capacity to host and teach others from the participating agencies.

(4) The organization agrees to a schedule of hosting activities.

(5) The organization is willing to host follow-up activities with participating individuals.

(d) INCENTIVES FOR PARTICIPATION.—(1) The respective Secretary for each Center identified in this section is authorized to accept and use reimbursement from the participating agencies and partnering entities for the cost of operating the program.

(2) The respective Secretary for each Center is authorized to provide reimbursement of travel and per diem expenses to federal employees who participate in Center activities.

SEC. 305. PARTNERSHIP ROSTER.

(a) IN GENERAL.—The Secretary and the Secretary of Agriculture may establish and make available to the public a multiagency roster with the goal of enhancing capacity for partnerships and collaborative actions.

(b) AUTHORIZED ACTIVITIES.—The partnership roster authorized under this section shall provide nonfinancial assistance and information to government agencies, private sector organizations, and the public in a variety of areas, including—

(1) identification and understanding of statutory and regulatory authorities;

(2) development and implementation of agreements and contracts used in Department and Department of Agriculture programs;

(3) creation and management of nonprofit support groups;

(4) diversification and strengthening of agency funding through the use of partnerships, matching funds, and other devices;

(5) allowable avenues for and uses of private philanthropy;

(6) development of a partnership-focused workplace;

(7) building of community connections and fostering of citizen engagement through the use of partnerships;

(8) allowable avenues for donor recognition;

(9) development of communication skills; and

(10) conflict management and collaborative management.

TITLE IV—COOPERATION AMONG FEDERAL AGENCIES

SEC. 401. SERVICE FIRST AUTHORITY.

(a) IN GENERAL.—The Secretary, through the Directors of the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the National Park Service, and the Secretary of Agriculture, through the Chief of the U.S. Forest Service, may—

(1) conduct projects, planning, permitting, leasing, including leasing of real property and office space, contracting and other activities, either jointly or on behalf of one another;

(2) co-locate in Federal offices and facilities leased or owned by an agency of either Department;

(3) promulgate special rules for issuance of unified permits, applications, and leases; and

(4) share or transfer equipment, vehicles, or other personal property.

(b) DELEGATION OF AUTHORITY.—Consistent with section 403, the Secretary and the Secretary of Agriculture may make reciprocal delegations of their respective authorities, duties, and responsibilities in support of the activities authorized in this title to promote customer service and efficiency.

SEC. 402. USE OF FUNDS.

(a) IN GENERAL.—In carrying out the provisions of this title, the Secretary and the Secretary of Agriculture may make transfers of funds available and reimbursement of funds on an annual basis among the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, and the U.S. Forest Service, including transfers and reimbursements for multiyear projects that involve 1 or more of those agencies.

(b) LIMITATION.—The authority provided in this title may not be used to circumvent re-

quirements and limitations imposed on the use of funds.

SEC. 403. CONSTRUCTION.

Nothing in this title shall alter, expand, or limit the applicability of any public law or regulation to land administered by the participating agencies of either Department.

TITLE V—COOPERATIVE ASSISTANCE

SEC. 501. FISH AND WILDLIFE SERVICE COASTAL PROGRAM.

(a) DEFINITIONS.—In this section—

(1) COASTAL PROGRAM PARTNERS.—The term "coastal program partners" means individuals, groups, or agencies, such as land conservancies, community organizations, businesses, conservation organizations, private landowners, State or local governments, and Federal agencies, including any partnerships or consortia of these individuals, groups, or agencies, who agree to work on habitat restoration or protection strategies under this program.

(2) HABITAT RESTORATION.—The term "habitat restoration" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural functions to the lost or degraded native habitat.

(3) IMPORTANT COASTAL HABITAT.—

(A) IN GENERAL.—The term "Important Coastal Habitat" means habitat in coastal ecosystems that supports or will support after protection or restoration threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

(B) INCLUSIONS.—The term "Important Coastal Habitat" includes the Great Lakes, Pacific Islands, and the Caribbean, and bays, estuaries, coastal streams, and wetlands, shore, and terrestrial habitats within coastal areas.

(4) PRIORITY SPECIES.—The term "priority species" means threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

(5) PROJECT.—The term "project" means a project carried out under the authority of this section in cooperation with coastal program partners and which has the primary purpose of conserving important coastal habitat, and which may include habitat restoration and other technical assistance.

(6) TECHNICAL ASSISTANCE.—The term "technical assistance" means biological and habitat assessments, inventories, project coordination, monitoring, mapping, grant writing, and habitat restoration expertise.

(b) COASTAL PROGRAM.—The Secretary is authorized to carry out the Coastal Program within the United States Fish and Wildlife Service to assess, conserve, and restore important coastal habitats for the benefit of priority species. Projects carried out under this authority may include activities to identify, evaluate, and map important coastal habitat, to assist community efforts by providing assessment and planning tools to identify important coastal habitats that are a priority for protection and restoration, and to provide both technical assistance and financial assistance, primarily through cooperative agreements, to coastal program partners to plan and implement projects that benefit coastal wetland, estuaries, upland, and stream habitats important to priority species.

(c) COORDINATION.—The Secretary shall, where appropriate, coordinate with interested Federal agencies on the program authorized under this section.

SEC. 502. COOPERATIVE CONSERVATION CHALLENGE COST-SHARE.

(a) DEFINITIONS.—In this section:

(1) HABITAT ENHANCEMENT.—

(A) IN GENERAL.—The term "habitat enhancement" means the manipulation of the

physical, chemical, or biological characteristics of a native habitat to change, so as to heighten, intensify, or improve, a specific function or seral stage of the native habitat.

(B) EXCLUSIONS.—The term “habitat enhancement” does not include regularly scheduled and routine maintenance and management activities.

(2) HABITAT ESTABLISHMENT.—The term “habitat establishment” means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site.

(3) HABITAT IMPROVEMENT.—The term “habitat improvement” includes restoring or artificially providing physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

(4) HABITAT RESTORATION.—The term “habitat restoration” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural functions to the lost or degraded native habitat.

(b) CHALLENGE COST SHARE AGREEMENT AUTHORITY.—

(1) IN GENERAL.—The Secretary, acting through the United States Fish and Wildlife Service, the National Park Service, or the Bureau of Land Management, is authorized to negotiate and enter into cooperative arrangements with any State or local government, Indian tribe, public or private agency, organization, institution, corporation, individual, or other entity to carry out on a public-private cost sharing basis on-the-ground conservation activities, including functions and responsibilities relating to habitat improvement, habitat restoration, habitat enhancement, and habitat establishment on public or private land.

(2) PRIVATE LAND.—Projects carried out on private land require—

(A) express permission from landowners;

(B) a clear and direct benefit to the specific Departmental land management unit entering into the arrangement through the direct contribution to the programmatic and performance goals of that unit; and

(C) that the project be adjacent to, or in close proximity to, land administered by the Department.

(3) EFFECT ON EXISTING LAWS.—Nothing in this section shall be construed to supersede, modify, or repeal existing laws providing additional cost-share authorities.

(4) COST-SHARING.—(A) The Federal share for a project authorized under this section may not exceed 50 percent and shall be provided on a matching basis.

(B) The non-Federal share for a project authorized under this section may be satisfied by the provision of cash, services, or in-kind contributions.

SEC. 503. WATER MANAGEMENT IMPROVEMENT ACT.

(a) SHORT TITLE.—This section may be cited as the “Bureau of Reclamation Water Management Improvement Act”.

(b) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into grants and cooperative agreements with States, Indian tribes, irrigation districts, water districts, or other organizations with water delivery authority to fund up to 50 percent of the cost of planning, designing, or constructing improvements that will conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions to prevent water-related crises or conflicts in watersheds that have a nexus to Federal water projects within the States

identified in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388, chapter 1093) as amended and supplemented (43 U.S.C. 371 et seq.).

(2) CRITERIA.—Grants and cooperative agreements entered into pursuant to this authority shall meet the following criteria:

(A) When such improvements are to federally-owned facilities, funds provided under any such grant or cooperative agreement may be provided on a nonreimbursable basis to an entity operating affected transferred works or may be deemed nonreimbursable for nontransferred works.

(B) Title to improvements made to federally-owned facilities shall be held by the United States.

(C) The calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions which the Secretary determines materially contribute to the completion of the proposed action, but shall not include funds received from other Federal agencies.

(D) The cost of operating and maintaining improvements for which funding is provided shall be the responsibility of the non-Federal entity.

(E) The United States shall not be held liable by any court for monetary damages of any kind arising out of any act, omission, or occurrence relating to non-federally owned facilities created or improved under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the “Federal Tort Claims Act”).

(c) RELATIONSHIP TO PROJECT SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(d) RESEARCH AGREEMENTS.—The Secretary is also authorized to enter into cooperative agreements with universities, nonprofit research institutions, or organizations with water or power delivery authority to fund research to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary deems appropriate.

(e) MUTUAL BENEFIT.—Grants or cooperative agreements made pursuant to this section may be for the mutual benefit of the United States and the other party.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$100,000,000 to carry out the purposes of this section, to remain available until expended.

(g) RECLAMATION LAW.—This section shall amend and supplement the Act of June 17, 1902 (32 Stat. 388, chapter 1093) and Acts supplementary thereto and amendatory thereof (43 U.S.C. 371 et seq.).

SEC. 504. CONSULTATION WITH STATE PLANS.

In evaluating proposals for wildlife conservation grants under programs administered by the Department, including grants and financial assistance authorized under this title, the Secretary shall, where appropriate, consult the State Comprehensive Conservation Plans required under the State and Tribal Wildlife Grant Program and coordinate with State fish and wildlife agencies in the planning and implementation of the actions identified in those Plans.

TITLE VI—CONFLICT RESOLUTION

SEC. 601. ALTERNATIVE DISPUTE RESOLUTION OFFICE.

(a) IN GENERAL.—(1) The Secretary shall establish within the Department an Office of Collaborative Action and Dispute Resolution to promote and advance the appropriate use of collaborative problem solving and alter-

native dispute resolution processes in all bureaus and offices.

(2) The Office established under paragraph (1) shall coordinate efforts of the Department to increase the use of early consensus-building, alternative dispute resolution processes, and negotiated rulemaking consistent with existing laws, regulations, and policies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the program described in this section.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. SAVINGS PROVISION.

Nothing contained in this Act shall be construed or applied to supersede any other provision of Federal or State law.

SEC. 702. SEVERABILITY PROVISION.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid by a court of competent jurisdiction, the application of such provision to other persons or circumstances, and the remainder of this Act shall not be affected thereby.

SEC. 703. REGULATIONS.

The Secretary is authorized to prescribe such regulations as are necessary to carry out this Act.

THE DEPUTY SECRETARY
OF THE INTERIOR,

Washington, DC, June 19, 2007.

Hon. RICHARD CHENEY,
President of the Senate, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: The Administration is pleased to forward the enclosed draft legislation, titled the “Cooperative Conservation Enhancement Act,” for your consideration. The draft legislation is intended to advance the Department of the Interior’s successful model of cooperative conservation in several ways. First, it will ensure clear, but flexible statutory authority for programs that are currently carried out by the Department but are generally authorized under many disparate authorities. Second, the bill seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, companies, and organizations and government entities; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department’s bureaus and offices.

This draft legislation represents a major step forward for the Department’s cooperative conservation efforts. If enacted, this new authority will reduce barriers to the use of partnerships in meeting our resource management obligations, and will enhance our collaborative efforts to conserve and protect natural resources and the environment for which the Department is responsible.

To assist you in your review of the draft legislation, we have enclosed a section-by-section analysis for the proposed bill. The Administration recommends that the draft bill be sent to the appropriate committee for consideration and that it be enacted.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration’s program.

Sincerely,

P. LYNN SCARLETT.

SECTIONAL ANALYSIS

The purposes of this bill are to authorize programs and activities that will strengthen and advance the Department of the Interior’s cooperative conservation efforts and reduce

barriers to the use of partnerships in meeting resource management obligations.

Generally, the proposal seeks to strengthen and advance the Department's successful model of cooperative conservation by ensuring clear, but flexible statutory authority for programs that are currently carried out by the Department but generally authorized under many disparate authorities. The bill also seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, government entities, and organizations; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

SECTION 1. SHORT TITLE

This section states that the short title for the bill is the "Cooperative Conservation Enhancement Act."

SECTION 2. FINDINGS AND PURPOSES

This section sets forth congressional findings and purposes.

SECTION 3. DEFINITIONS

Section 3 sets out several definitions for terms that are used throughout the bill. The term "cooperative conservation" is defined as actions that relate to the use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among federal, state, local, and tribal governments, private for-profit and non-profit institutions, other non-governmental entities, or individuals. The term "Department" is used throughout the bill to reference the Department of the Interior. Finally, the term "Secretary" means the Secretary of the Interior.

TITLE I—WORKING LANDSCAPE PROJECTS

According to the Department's partners, one of the difficult hurdles for cooperative conservation projects that involve multiple partners or which require coordination across jurisdictions is securing funding for administrative-type costs. These costs might include costs associated with governance, such as the hiring of an executive director, or costs of support services or dissemination of information.

Title I of the bill would provide the Secretary with authority, for a three-year period, to establish a consistent stream of such funding, to be awarded competitively and for a period of up to three years for any given project, for projects authorized under existing authorities that support innovative approaches to cooperative conservation.

SECTION 101. SHORT TITLE

The short title of this provision is the "Working Landscape Projects Act of 2007."

SECTION 102. DEFINITIONS

Section 102 provides definitions for certain terms used throughout this title. The term "administrative services" is defined to include services and costs associated with the operations of activities authorized under this title. It is intended that such services and costs include, but not be limited to, things like meeting announcements, copying, personnel costs and reasonable rental costs for facilities necessary for implementing this title. It is also intended that services and costs under this title shall be consistent with any applicable federal rules, regulations, and guidance. The term "information dissemination activities" is defined to include broadcasting the announcement of meetings and the distribution of reports, memos, and other relevant information necessary for carrying out the authorities under this title.

'Governance activities' are defined as those activities required to ensure the operation and implementation of projects including, but not limited to, hiring personnel to coordinate project implementation; providing oversight and monitoring of projects and project goals; performing adaptive management techniques on projects; coordinating activities with various partners; performing scientific oversight of projects, including commissioning scientific studies; and requesting data from federal, state, and local government officials, non-profit organizations, and private individuals. Finally, the term "landscape project partner" is a representative of federal, state, or tribal governments, private landowners or corporations, or those of non-profit organizations.

SEC. 103. AUTHORIZATION FOR ADMINISTRATIVE, GOVERNANCE, AND INFORMATION DISSEMINATION PURPOSES

Section 103 would authorize the Secretary of the Interior to provide funds through a competitive process for the development or maintenance of necessary administrative requirements, including, but not limited to, costs associated with governance, support services, and dissemination of information associated with projects that feature innovative approaches to cooperative conservation.

Funding for any particular project would be limited to three years, and to qualify for such administrative funding, a project must include participation by a diverse group of partners, including government entities, must affect several jurisdictions or land ownerships, and must have the potential to advance cooperative conservation across a geographical area.

Projects that receive funding under this provision may include established projects with a record of success; existing projects that are in their early stages and require sustained capacity building; or new or proposed projects that have developed a plan for establishing partnerships and developing landscape-based projects. Section 103 also enumerates certain listed criteria that the projects must meet, and would establish the position of Conservation Project Coordinator, who would serve as the primary federal coordinator of projects that receive funding under this section and whose responsibility it would be to oversee and encourage such projects such that they are reviewed and executed expeditiously. The Coordinator would also be authorized to carry out such other cooperative conservation related activities and projects as the Secretary deems appropriate. All actions undertaken by the Coordinator must be related to the authorized programs and activities of the Department of the Interior.

SECTION 104. FUNDING

Section 104 sets out the mechanism by which the administrative costs awarded under this title would be funded. The Secretary would be authorized to use funds identified in the President's annual budget submission as Cooperative Conservation Programs. Examples of such programs that have been so identified in past budgets include the Department's Challenge Cost Share Program, authorized by section 502 of this legislation, or the U.S. Fish and Wildlife Service's Coastal Program, authorized by section 501 of this legislation. These funds would, in turn, be made available to the Secretary in amounts of up to 5 percent of those total funds for FY 2008; up to 6 percent in FY 2009; and up to 7 percent in FY 2010, and will be used, for example, for the costs associated with governance, such as the hiring of an executive director, or costs of support services or dissemination of information.

TITLE II—LANDOWNER CONSERVATION ASSISTANCE MATTERS

In order to encourage landowners to participate as citizen stewards in protecting endangered and threatened species, species proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and candidate species, this proposal would authorize a conservation banking program within the Department of the Interior.

SECTION 201. ESTABLISHMENT, USE, AND OPERATION OF CONSERVATION BANKS

In May 2003, the FWS administratively issued its "Guidance on the Establishment, Use, and Operation of Conservation Banks." That document recognized that conservation banks can benefit the Service—by reducing a piecemeal approach to conservation by promoting the establishment of larger reserves and habitat connectivity—as well as landowners—who benefit from its relative ease of use, flexibility, and opportunity to generate income from what may previously have been considered a liability. Banking also allows a public/private collaboration to maintain lands as open space, providing for the conservation of listed and candidate species.

Section 201 would establish within the FWS a conservation banking program. It defines certain important terms, including "bank operator," "bank sponsor," "conservation bank," "conservation bank agreement," "conservation bank review team," and "credit." The proposal would authorize the Secretary to select and convene a "Conservation Bank Review Team," an inter-agency group that may include federal, state, tribal and local regulatory and resource agency representatives, to evaluate for acceptance proposals received from bank sponsors. Section 201 provides that if the Conservation Bank Review Team recommends a proposal, it shall present the proposal to the Secretary, who may modify or accept the proposal. Once it has been accepted, the Secretary may enter into a conservation bank agreement and is responsible for establishing the terms under which the conservation bank will operate.

This section also contains criteria to be used in determining whether to approve a conservation bank proposal, including whether the bank would provide an economically effective process providing options to landowners to offset the adverse effects of projects to species covered by the bank; whether it would provide adequate mitigation for species through appropriate actions; and whether it would be of sufficient size to ensure the maintenance of ecological integrity in perpetuity. The proposal includes requirements that must be contained in bank proposals that have been accepted.

Finally, in order to ensure the enforceability of agreements entered into under this section, the proposal contains a provision authorizing any party to an agreement to bring an action for violation of an agreement in the U.S. District Court for the District of Columbia.

TITLE III—PROMOTING PARTNERSHIPS

Title III of the proposal would provide mechanisms for increasing the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, government entities, and organizations, and provide the Department increased flexibility in working with partners and the ability to publicize partnership programs using appropriated funds.

In some cases, the provisions in Title III are intended to clarify areas of law where general authority is believed to exist within a particular bureau, but which would benefit

from clarification. In other cases, the provisions of this title are intended to provide application of a particular provision uniformly across the Department's land managing bureaus.

SECTION 301. COOPERATION WITH OUTSIDE ENTITIES

Section 301 would authorize the Secretary or designated bureau official to provide assistance to and cooperate with any agency, organization, or private individual in order to carry out measures that clearly and directly contribute to achieving conservation or natural resource management-related mission and performance goals of the Department and its bureaus. The section would also authorize Departmental bureaus to accept donations of land and interests in land that further the purposes of this section. This language is intended to provide to bureaus across the Department authority similar to that provided to the Secretary in the Fish and Wildlife Coordination Act.

SECTION 302. ABILITY TO EXPEND FUNDS TO BENEFIT DEPARTMENT LANDS.

Because it is not clear that all of the Department's bureaus enjoy this authority, section 302 would authorize the Secretary or his designee to carry out activities on non-federal lands that directly benefit the resource values and management of federal lands, such as the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands; the prevention, control, or eradication of invasive species that occupy adjacent non-federal lands; or the restoration of natural resources, including native wildlife habitat.

Activities authorized by this section could only be conducted with the written consent of the landowner, and must clearly and directly benefit the specific Departmental land management unit by directly contributing to the programmatic and performance goals of that unit. Eligible activities would not include the construction of permanent capital improvements or the acquisition of land.

Finally, in order to ensure that the specific language of section 302 does not limit the application of the Department's other grant-making and other landowner assistance provisions authorized in title V of this Act, the language of section 302 makes clear that nothing in this section supersedes or otherwise affects or alters the authority provided in that title.

SECTION 303. PUBLICIZING AND PROVIDING NON-FINANCIAL ASSISTANCE TO PARTNERSHIPS.

In order to assist our partners and to provide clarity to an issue that has caused confusion within the Department's bureaus, section 303 would authorize the Secretary or his designee to use appropriated funds to publicize partnership programs and opportunities through publication of announcements in newspapers of general circulation, in the Federal Register, or such other appropriate methods. It would also allow the Department to provide non-financial assistance to private individuals who are establishing non-profit groups that are intended to support the mission of a Departmental bureau or management unit of a bureau, such as a particular park or refuge. For example, this provision would make it clear that the National Park Service may provide meeting space to individuals interested in establishing a "friends of the park" group for a particular park unit.

The provision specifically would not allow a Department employee to establish a not-for-profit or other entity to support the Department's mission, and nothing in this section would waive the application of the provision of the Anti-Lobbying Act (18 U.S.C. 1913).

SECTION 304. CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.

Cooperative Conservation is critical to the Department's ability to achieve its conservation goals on a landscape scale and resolve environmental and natural resources disputes. Consistent with President Bush's 2004 Executive Order titled "Facilitation of Cooperative Conservation," which directs federal agencies to implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, section 304 authorizes a number of sites where federal employees and their partners, including state and local government employees, non-profit employees, private sector employees, and employees of Indian tribes, could experience and learn from resident experts the best practices involved in creating successful partnerships and fostering collaboration.

For clarity, section 304 contains a definition of "Center of Excellence for Partnership Learning" or "Center," which means a federal facility that is identified by the appropriate Secretary as meeting criteria established under this section and which provides federal employees and their partners the opportunity to learn cooperative conservation-related best practices.

Each site is authorized to develop a schedule of hosting activities, which could include some combination of visits, formal courses, detail opportunities, or job swaps at various times throughout the year. To the maximum extent practicable, spaces in the program would be filled on a first-come, first-served basis. Section 304 includes criteria for identifying sites that would serve as Centers of Excellence for Partnership Learning, and allows each Center to receive funding reimbursement for the cost of running the program. Each Center would be authorized to cover travel and other incidental expenses of federal employee participants.

SECTION 305. PARTNERSHIP ROSTER.

Section 305 authorizes the Secretaries of the Interior and Agriculture to establish a multi-agency roster to enhance capacity for partnership and collaborative action. The goal of the Roster is to provide non-financial assistance and information to government agencies, private sector organizations, and the public on a variety of issues, including authorities, agreements and contracts, creating and managing non-profit support groups, diversifying and strengthening agency funding, developing a partnership workplace, building community connections, citizen engagement, allowable avenues for donor recognition, communications, conflict management, and collaborative management.

TITLE IV—COOPERATION AMONG FEDERAL AGENCIES

SECTION 401. SERVICE FIRST AUTHORITY.

Section 401 provides permanent authorization for the Service First Initiative, a multi-agency program jointly implemented by the Departments of the Interior and the Department of Agriculture's Forest Service. That program was last authorized in the Department's FY 2006 Appropriations legislation. Under this provision, the Secretary of the Interior, acting through the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service, and the Secretary of Agriculture, acting through the U.S. Forest Service, are authorized to conduct projects, planning, permitting, leasing, contracting and other activities, either jointly or on behalf of one another; co-locate in federal offices and facilities owned or leased by an agency of either Department; promulgate special rules for issuance of unified permits, applications, and leases; and

share or transfer equipment, vehicles, or other personal property.

The Secretaries may also make reciprocal delegations of their respective authorities, duties and responsibilities in support of the activities authorized in this section in order to promote customer service and efficiency.

SEC. 402. USE OF FUNDS.

Section 402 provides a mechanism by which the Secretaries may, in carrying out the provisions of this title, make transfers of funds available and reimbursement of funds on an annual basis among the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service, including transfers and reimbursements for multi-year projects that involve one or more of those agencies. In so doing, however, the Secretaries may not circumvent other requirements and limitations imposed on the use of funds.

SEC. 403. CONSTRUCTION.

Section 403 clarifies that nothing in title IV is intended to alter, expand or limit the applicability of any public law or regulation to lands administered by the participating agencies of either Department.

TITLE V—COOPERATIVE ASSISTANCE

SECTION 501. FISH AND WILDLIFE SERVICE COASTAL PROGRAM.

The FWS's Coastal Program was created by administrative action, rather than by statute, relying on a number of authorities, including the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), and the Coastal Barriers Resources Act (16 U.S.C. 3501 et seq.).

Section 501 would provide specific statutory authorization for the Secretary of the Interior to carry out the Fish and Wildlife Service Coastal Program within the FWS. Assistance would be used by coastal program partners for, among other things, conservation and restoration of important coastal habitat that supports "priority" species, including threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

To ensure that the programs carried out under this authority are coordinated with other programs within the Administration that benefit coastal areas, the section contains a provision requiring that the Secretary, where appropriate, coordinate with other interested federal agencies on the program authorized under this section.

SECTION 502. COOPERATIVE CONSERVATION CHALLENGE COST-SHARE.

Section 502 authorizes the Secretary, through the U.S. Fish and Wildlife Service, the Bureau of Land Management, or the National Park Service, to negotiate and enter into cooperative arrangements—partnerships—with state or local governments, Indian tribes, public or private agencies, organizations, institutions, corporations, individuals, or other entities to carry out on a public-private cost sharing basis on-the-ground conservation activities on public or private lands. The language contains certain requirements for projects carried out on private lands, and specifies that the federal share for a project may not exceed 50 percent and shall be provided on a matching basis. The non-federal share for a project may be in the form of cash, services, or in-kind contributions.

Finally, the language makes clear that nothing in this section is intended to supersede, modify, or repeal existing laws providing additional cost-share authorities to Department bureaus.

SECTION 503. WATER MANAGEMENT
IMPROVEMENT ACT.

Section 503 authorizes the Secretary to enter into grants and cooperative agreements with states, tribes, irrigation districts, water districts, or other organizations with water delivery authority to fund up to 50 percent of the cost of planning, designing, constructing, or otherwise implementing improvements that will conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions to prevent water-related crises or conflicts in watersheds that have a nexus to federal water projects within the states identified in the Reclamation Act of 1902.

The purpose of this section is to give Reclamation permanent authority for the competitive grants program that is a central element of Reclamation's "Water 2025" program. The program is intended to apply to watersheds containing or receiving water from, or hydrologically impacted by, not only Bureau of Reclamation projects, but other federal projects as well, including but not limited to those of the U.S. Army Corps of Engineers, the Environmental Protection Agency, and the Department of Agriculture's Natural Resources Conservation Service.

The authority may be used to promote partnership on any action that would achieve the Water 2025 program goal of preventing water-related crisis and conflict. Illustrative examples include actions to enhance water management, such as canal lining and piping, installation of measuring devices to control water or water management technology such as automation, or actions that improve riparian habitat. The program aims to promote cooperation between the different interests within a watershed. Recipients of Water 2025 awards are encouraged to enter into partnerships with other entities, including governmental entities or community organizations without water delivery authority, so long as the recipient of the grant or cooperative agreement is a state, tribe, irrigation district, water district, or other organization with water delivery authority. In instances where grant partners are states, funds will be disbursed in conformance with the Cash Management Improvement Act (P.L. 101-453 as amended by P.L. 102-589).

Agreements entered into pursuant to this authority must comply with the following criteria:

(1) Funding for improvements to federally-owned facilities may be provided on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works. Language regarding reimbursability is necessary to distinguish this authority from some other Bureau of Reclamation authorities, which often require that project beneficiaries reimburse the federal government for its investment.

(2) Title to improvements made to federally-owned facilities shall be held by the United States. This does not preclude title to an entire project being transferred to non-federal entities at a later date.

(3) Non-federal cost-share contributions can include the value of any in-kind contributions, but may not include funds from other federal agencies. In-kind contributions should materially contribute to the completion of the proposed action, and should be in compliance with Reclamation standards regarding allowable contributions.

(4) The cost of operating and maintaining such improvements shall be the responsibility of the non-federal entity. This is consistent with existing practice for most Reclamation facilities, where local project part-

ners are responsible for either reimbursing Reclamation for operating and maintaining the facilities, or directly financing those activities themselves.

(5) The United States shall not be held liable for monetary damages arising out of any occurrence relating to non-federally owned facilities created or improved under this section, except for damages caused by acts of negligence.

It is intended that these provisions shall not supersede any existing project-specific funding authority.

The Secretary is also authorized to enter into cooperative agreements with universities, non-profit research institutions, or organizations with water or power delivery authority to fund research on ways to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary deems appropriate. This provision is intended to provide Reclamation broader authority to enter into cooperative agreements on research that advances achievement of Reclamation's core mission areas, and which is consistent with the Administration's Research and Development criteria. It is not intended to apply only to Reclamation's Water 2025 program, but to apply to all of Reclamation's research and development efforts.

Grants or cooperative agreements made pursuant to this section may be for the mutual benefit of the United States and the other party, in contrast to agreements entered into under provisions of the Federal Grant and Cooperative Agreement Act of 1977, 31 U.S.C. §§6304-6305, which restrict the use of grant or cooperative agreements to relationships in which the principal purpose is to benefit the non-federal party.

The legislation provides for a \$100 million authorization of appropriations to carry out the section, to remain available until expended.

Finally, the language makes clear that this section would amend and supplement the Act of June 17, 1902, as amended and supplemented.

SECTION 504. CONSULTATION WITH STATE PLANS.

Section 504 would require the Secretary, where appropriate, to consult the State Comprehensive Conservation Plans required under the State and Tribal Wildlife Grant Program and coordinate with state fish and wildlife agencies in the planning and implementation of the actions identified in those plans in evaluating proposals for wildlife conservation grants under programs administered by the Department.

TITLE VI—CONFLICT RESOLUTION

SECTION 601. ALTERNATIVE DISPUTE RESOLUTION
OFFICE.

Section 601 would establish in the Department the Office of Collaborative Action and Dispute Resolution, which would be responsible for promoting and advancing the use of collaborative problem-solving and alternative dispute resolution activities in all Departmental bureaus and offices. The Office would be tasked with increasing the use of early consensus building, alternative dispute resolution, and negotiated rulemakings. The section authorizes such sums as are necessary to carry out the program.

TITLE VII—MISCELLANEOUS PROVISIONS

In order to ensure clarity and flexibility in implementing this Act, the bill contains a savings provision, which makes clear that the provisions contained in this bill are not intended to supersede any provision of state or federal law; a severability provision, which will ensure the operation of the Act if a particular provision is successfully challenged; and a general authorization to promulgate any regulations necessary to carry out the terms of the Act.

THE DEPUTY SECRETARY

OF THE INTERIOR,

Washington, DC, June 19, 2007.

Hon. RICHARD CHENEY,
President of the Senate,
U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: The Administration is pleased to forward the enclosed draft legislation, title the "Cooperative Conservation Enhancement Act," for your consideration. The draft legislation is intended to advance the Department of the Interior's successful model of cooperative conservation in several ways. First, it will ensure clear, but flexible statutory authority for programs that are currently carried out by the Department but are generally authorized under many disparate authorities. Second, the bill seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, companies, and organizations and government entities; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

This draft legislation represents a major step forward for the Department's cooperative conservation efforts. If enacted, this new authority will reduce barriers to the use of partnerships in meeting our resource management obligations, and will enhance our collaborative efforts to conserve and protect natural resources and the environment for which the Department is responsible.

To assist you in your review of the draft legislation, we have enclosed a section-by-section analysis for the proposed bill. The Administration recommends that the draft bill be sent to the appropriate committee for consideration and that it be enacted.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

P. LYNN SCARLETT.

By Mr. STEVENS (for himself,
Mr. INOUE, Ms. MURKOWSKI,
and Mr. AKAKA):

S. 2232. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes; to the Committee on Indian Affairs.

Mr. STEVENS. Mr. President, I am pleased to introduce the Foreign Aid Lessons for Domestic Economic Assistance Act of 2007 to bring a fresh approach to the vexing problem of stimulating Alaska Native, Native Hawaiian and Lower-48 Indian Tribe economies to bring jobs, hope and investment to these impoverished peoples.

Despite modest improvements in the economic and social well-being of Alaska's native people, they continue to have extremely high rates of unemployment and poverty, poor health, substandard housing, and the related ills of alcohol and drug abuse.

Only 11 percent of American Indians and Alaska Natives hold a bachelor's degree compared to 24 percent of the total population. The poverty rate in

1999 was 25.7 percent for the American Indian and Alaska Native population, compared to 12.4 percent of the total population.

Weak economies also contribute to poor health in native communities: American Indian and Alaska Natives suffer from significantly higher mortality rates compared to the general population. The death rate for American Indians and Alaska Natives for tuberculosis is 600 percent higher, 510 percent higher for alcoholism, 229 percent higher for motor vehicle crashes, 189 percent higher for diabetes, 61 percent higher for homicide and 62 percent higher for suicide. American Indian and Alaska Native infants die at a rate of 8.5 per every 1,000 live births, compared to 6.8 per 1,000 for all U.S. races.

Housing statistics are no better—12 percent of American Indian and Alaska Native homes lack safe and adequate water supply and waste disposal facilities compared to one percent of the U.S. general population.

This is the profile of native communities in Alaska, and in the lower-48 states as well, despite a vibrant cultural legacy and abundant natural resources on and under their lands and in their waters. Many native communities have marketable timber, huge reserves of coal, natural gas, oil, fish and shellfish and other natural amenities.

At the same time, native economies are hobbled by geographic remoteness, distance from markets and population centers, poor physical infrastructure, and a lack of governmental transparency, contributing to stagnating Native American economies.

Because native economies are often plagued by the same challenges as the economies of the developing world, native economies are likely to benefit from the application of proven models employed in international development efforts, most notably the Millennium Challenge Act of 2003. This initiative aims to foster those policies that are known to be effective and in the process, reduce poverty and promote sustainable economic growth in the host country. Typically, the activities that are assisted are related to agriculture, irrigation, and related land practices; physical infrastructure development to facilitate marketing of goods and services; and a variety of health care programs.

Similarly, the objectives of the legislation I am introducing today are just as straightforward: enhancing the long-term job creation and revenue generation potential of Native economies by creating investment-favorable climates and increasing Native productivity.

The Foreign Aid Lessons for Domestic Economic Assistance Act would also authorize administering federal economic development assistance in a novel manner to promote economic growth, eliminate poverty, and strengthen good governance, entrepreneurship, and investment in native communities.

A corollary, but equally important, objective is to improve the effective-

ness of existing Federal economic development assistance by encouraging the integration and coordination of such assistance to benefit Native economies. Accordingly, this legislation requires that any assistance provided must be coordinated with other Federal economic development assistance programs for Native Americans.

A critical component of the Foreign Aid Lessons for Domestic Economic Assistance Demonstration is in its demand for accountability in the performance of the Compact terms and use of financial resources. This legislation requires that eligible entities submit to the Secretary of Commerce written reports on an annual basis detailing activities undertaken and progress made through assistance from this program.

Mr. President, I hope my colleagues will join me in supporting this legislation.

By Mr. ROCKEFELLER:

S. 2236. A bill to title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to provide additional limitations on preexisting condition exclusions in group health plans and health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Pre-existing Condition Exclusion Patient Protection Act of 2007. This is a critical bill for the tens of millions of individuals who suffer from chronic, disabling, and life-threatening conditions, as it will ensure that they have access to affordable, comprehensive, and meaningful health insurance coverage despite “pre-existing conditions.”

The Centers for Disease Control & Prevention estimates that fully one-third of all Americans will have a chronic, disabling, and life-threatening condition at some time during their lifetimes. In West Virginia, that translates to approximately 600,000 of our neighbors who will face these serious health problems. Far too often these are the very people who find their health insurance coverage interrupted, cancelled, or denied because of pre-existing condition limitations in their health insurance policies.

That is why, over 10 years ago, Congress passed the Health Insurance Portability and Accountability Act of 1996, HIPAA, P.L. 104-191, with the objective of protecting Americans from interruptions in health insurance coverage resulting from job changes or other life transitions. HIPAA provides this protection by restricting when private insurers can use pre-existing conditions to limit health care coverage. HIPAA has been successful, and many individuals have come to rely on its protections. However, after more than a decade, certain gaps in HIPAA’s protection have become apparent that hamper individuals’ access to care for

which they could be covered, but for their pre-existing conditions.

First, individuals who have been without health insurance coverage for 63 days or more, risk becoming permanently uninsurable. This is particularly true of individuals with pre-existing conditions, because a 63-day gap in coverage eliminates any prior creditable coverage. If an employee cannot demonstrate that he or she had prior creditable and continuous coverage, an employer can exclude coverage for pre-existing conditions for up to 12 months.

Second, employers can restrict coverage for pre-existing conditions to otherwise qualified employees based on a 6-month “look-back” period. This means that an employer may use medical recommendations, diagnoses, and treatments within the most recent 6 months to exclude coverage as a “pre-existing condition.” This “look-back” period is sufficiently long that it likely impacts all Americans with at least one chronic illness, a category that includes a staggering one out of every three Americans, according to the Centers for Disease Control.

Third, the protections offered to individuals moving into a group health plan, or moving into the individual insurance market from a group plan, are not available to individuals attempting to shop around for policies within the individual market. As a result, individuals who purchase policies in the non-group market and never have a gap in coverage still have no protection against the pre-existing condition exclusions that insurers may choose to impose.

The Pre-existing Condition Exclusion Patient Protection Act of 2007 takes significant steps to improve these weaknesses in the law, thereby protecting patients who are currently at risk of being denied health insurance coverage. To close the first gap in the law, the bill reduces the timeframe during which an employer can exclude coverage for pre-existing conditions from 12 months to three months. This would ensure that more Americans have access to health insurance coverage; furthermore, it is consistent with the requirements for “state-qualified plans” under the Trade Adjustment Assistance Reform Act of 2002.

To close the second HIPAA gap, this legislation shrinks the permitted “look-back” period from 6 months to 30 days, which would result in a decrease in the number of Americans who are unfairly denied health coverage due to pre-existing conditions. Finally, the bill closes the third gap by applying the same pre-existing condition protections afforded to individuals in the group health insurance market under HIPAA to individuals moving to, and within, the individual health insurance market.

Passing this legislation would increase access to private health insurance for the almost 94 million Americans who suffer from at least one chronic illness. It also would ensure

that the 158 million individuals who are insured through employer-based private plans and the more than 14 million individuals who are covered by non-group, private plans would have far better protection when changing jobs or their health care plans.

I am confident that with these actions, we can achieve a significant improvement in the access of Americans to health insurance coverage. For this reason, I urge my colleagues to advance progress toward this important goal by supporting the Pre-existing Condition Exclusion Patient Protection Act of 2007.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preexisting Condition Exclusion Patient Protection Act of 2007".

SEC. 2. AMENDMENTS RELATING TO PRE-EXISTING CONDITION EXCLUSIONS UNDER GROUP HEALTH PLANS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Section 701(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(a)(1)) is amended by striking "6-month period" and inserting "30-day period".

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Section 701(a)(2) of such Act (29 U.S.C. 1181(a)(2)) is amended by striking "12 months" and inserting "3 months", and by striking "18 months" and inserting "9 months".

(b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Section 2701(a)(1) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)) is amended by striking "6-month period" and inserting "30-day period".

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Section 2701(a)(2) of such Act (42 U.S.C. 300gg(a)(2)) is amended by striking "12 months" and inserting "3 months", and by striking "18 months" and inserting "9 months".

(c) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Paragraph (1) of section 9801(a) of the Internal Revenue Code of 1986 (relating to limitation on preexisting condition exclusion period and crediting for periods of previous coverage) is amended by striking "6-month period" and inserting "30-day period".

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Paragraph (2) of section 9801(a) of such Code is amended by striking "12 months" and inserting "3 months", and by striking "18 months" and inserting "9 months".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to group health plans for plan years beginning after the end of the 12th calendar month following the date of the enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or

more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the earlier of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) 3 years after the date of the enactment of this Act.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 3. AMENDMENTS RELATING TO PRE-EXISTING CONDITION EXCLUSIONS IN HEALTH INSURANCE COVERAGE IN THE INDIVIDUAL MARKET.

(a) APPLICABILITY OF GROUP HEALTH INSURANCE LIMITATIONS ON IMPOSITION OF PRE-EXISTING CONDITION EXCLUSIONS.—

(1) IN GENERAL.—Section 2741 of the Public Health Service Act (42 U.S.C. 300gg-41) is amended—

(A) by redesignating the second subsection (e) (relating to market requirements) and subsection (f) as subsections (f) and (g), respectively; and

(B) by adding at the end the following new subsection:

"(h) APPLICATION OF GROUP HEALTH INSURANCE LIMITATIONS ON IMPOSITION OF PRE-EXISTING CONDITION EXCLUSIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), a health insurance issuer that provides individual health insurance coverage may not impose a preexisting condition exclusion (as defined in subsection (b)(1)(A) of section 2701) with respect to such coverage except to the extent that such exclusion could be imposed consistent with such section if such coverage were group health insurance coverage.

"(2) LIMITATION.—In the case of an individual who—

"(A) is enrolled in individual health insurance coverage;

"(B) during the period of such enrollment has a condition for which no medical advice, diagnosis, care, or treatment had been recommended or received as of the enrollment date; and

"(C) seeks to enroll under other individual health insurance coverage which provides benefits different from those provided under the coverage referred to in subparagraph (A) with respect to such condition,

the issuer of the individual health insurance coverage described in subparagraph (C) may impose a preexisting condition exclusion with respect to such condition and any benefits in addition to those provided under the coverage referred to in subparagraph (A), but such exclusion may not extend for a period of more than 3 months."

(2) ELIMINATION OF COBRA REQUIREMENT.—Subsection (b) of such section is amended—

(A) by adding "and" at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4) and (5).

(3) CONFORMING AMENDMENT.—Section 2744(a)(1) of such Act (42 U.S.C. 300gg-44(a)(1)) is amended by inserting "(other than subsection (h))" after "section 2741".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the end of the 12th

calendar month following the date of the enactment of this Act.

By Mr. BIDEN:

S. 2237. A bill to fight crime; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise to mark the introduction of the 2007 Biden Crime Bill because a perfect storm is gathering with respect to crime in America, and we need bold action to get us back on track.

Before I discuss the specifics of my legislation, I want to talk to you about what is feeding this perfect storm. Since 2001, Federal funding for local law enforcement has been slashed by billions of dollars—from about \$2.1 billion per year in the nineties to a proposed level of \$32 million in 2007. The COPS hiring program has been eliminated completely.

At the same time, President Bush has reassigned more than 1,000 FBI agents from fighting crime to combating terrorism. Certainly, this was necessary, but he has not replaced them. A bitter irony results—we have improved our ability to fight international terrorism, but left our communities here at home less safe from the threat of murderers, rapists, and drug kingpins.

This is the perfect storm: asking local law enforcement to do much more for a growing population while giving them much less—less Federal funding and fewer Federal agents with whom to partner. As a result, local law enforcement has had to give up crime prevention practices, like community policing, in order to stay on top of rising demand. They are doing their level best, but they need more help.

Early stages of the storm are upon us. The FBI's Uniform Crime Reports show a rise in violent crime and murder for the second straight year. This hasn't happened since 1994. Last year, crime rose at the highest rate it had in 15 years and this year we add another 1.9 percent increase.

The Police Executive Research Forum reports that the homicide rate rose more than 10 percent in metropolitan areas around the country, like Baltimore, Boston, Charlotte, Cincinnati, Kansas City, and Philadelphia. Don't believe the statistics? Just ask your local cops. They will tell you they are seeing more crimes with a higher level of violence.

Back in the nineties we faced a similar crime crisis. In 1994, Congress passed the Crime Bill, and it transformed the Federal approach to fighting crime. It used a three-part system: invest in prevention programs, dedicate Federal support to community-oriented policing, and ensure that offenders serve tough-but-fair prison sentences. It worked. Crime dropped for eight consecutive years. Violent crime and murder rates dropped more than 30 percent.

The bill I introduced today is the most comprehensive crime bill in more than a decade and it builds on the successful approach of the 1994 Crime Bill.

It invests more than \$6 billion in tried and true prevention programs that recognize that the first step to fighting crime is protecting kids from neglect and abuse and providing them with a stable family, positive early education, and someplace safe and constructive to spend the critical after-school hours.

My bill reauthorizes the COPS program and provides \$1.15 billion per year to hire, equip, and train 50,000 new police officers, and hire additional local prosecutors. Study after study has demonstrated the effectiveness of the COPS program, and every major law enforcement agency in the country supports it. It is high time we started funding it again.

In addition, the bill provides funds to hire an additional 1,000 FBI agents dedicated to fighting crime and an additional 500 DEA agents dedicated to dismantling drug trafficking organizations. The Federal Government cannot make the trade-off between fighting crime and terrorism—we owe it to our citizens to do both.

The bill invests more than \$1 billion in preventing recidivism by ensuring that when prisoners are released into society, they have the vocational training, the drug treatment, and the housing they need to reintegrate as law-abiding, productive members. Currently, over 650,000 ex-offenders are released from Federal and State prisons each year. Within 3 years of release, two thirds will commit another crime. That is hundreds of thousands of crimes each year, and we need to bring that number down.

Finally, the bill addresses developments in crime fighting and in criminal trade craft. Mr. President, 13 years ago, online sexual predators, Internet copyright infringement, and computer hacking were virtually unknown. Today they are common crimes with real victims. This bill ensures that law enforcement has the resources and legal tools it needs to prevent, investigate, and prosecute such crimes.

The bottom line is that fighting crime is like cutting grass—you stop mowing the lawn and one day you'll look outside and see a real mess. We can't ignore crime and hope it goes away. We've made that mistake over the last 6 years, and our communities are paying the price.

We have to get back to cutting the grass. This legislation takes a comprehensive approach once again to fighting crime. It renews our financial commitment to rebuilding law enforcement capabilities at the Federal, State, and local level. It is a significant step toward making good on one of Congress's most sacred duties to our citizens protecting them from crime and fostering safe communities. I urge my colleagues to support this bill.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 2239. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health in-

surance costs in computing self-employment taxes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today I, along with Senator HATCH, am re-introducing the Equity for Our Nation's Self-Employed Act of 2007. This important legislation corrects an inequity that currently exists in our tax code that forces the self-employed to pay payroll taxes on the funds used to pay for their health insurance while larger businesses do not. Because of this inequity, health insurance is more expensive for the self-employed. At a time when the number of people uninsured is growing at an alarming rate, we need to find ways to reduce the cost of health insurance. This legislation is a first logical step.

Under current law, corporations and other business entities are able to deduct health insurance premiums as a business expense and to forego payroll taxes on these costs. However, sole-proprietors are not allowed this same deduction and thus, are required to pay self-employment tax, their payroll tax, on health insurance premiums. The self-employed are the only segment of the business population that are additionally taxed on health insurance. The legislation we are introducing today would stop this inequitable tax treatment and allow sole proprietors to deduct the amount they pay for health insurance from their calculation of payroll taxes, leveling the playing field for the over 20 million self-employed in our Nation.

This problem affects all self-employed who provide health insurance to their families. According to the IRS, there are almost 130,000 sole-proprietors in New Mexico. While we do not know how many of these people in New Mexico have health insurance, we do know that roughly 3.8 million working families in the U.S. paid self-employment tax on their health insurance premiums. Estimates indicate that roughly 60 percent of our Nation's uninsured are either self-employed or work for a small business. According to the Kaiser Family Foundation, self-employed workers spent upwards of \$12,000 per year in 2006 to provide health insurance for their family. Because they cannot deduct this as an ordinary business expense, those that spend this amount will pay a 15.3 percent payroll tax on their premiums, resulting in over \$1,800 of taxes annually.

This problem was identified by the National Taxpayer Advocate in several of her annual reports to Congress and our legislation to correct it is supported by over 40 national and State organizations including the National Association for the Self-Employed, the National Small Business Association, the National Federation of Independent Business, National Association of Realtors, the U.S. Chamber of Commerce, and the U.S. Hispanic Chamber of Commerce.

I look forward to working with my colleagues to get this important legislation passed.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 2240. A bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CARPER. Mr. President, I rise today with my mind from Maine to introduce the Volunteer Firefighter and EMS Personnel Job Protection Act.

Current law offers volunteer firefighters and emergency medical services personnel no protection against punishment by their employers should they miss work when called on to respond to a national emergency. This means that firefighters or EMS personnel volunteering their time, even during major disasters like 9/11, Hurricane Katrina, or even the current wildfires in California, can be disciplined or even fired for putting their lives at risk to save others.

We put forward this legislation today out of concern that volunteers faced with the prospect of losing their jobs and not responding to a call will choose the latter. Its passage would protect volunteers from having to make that choice when the call is to a Presidentially-declared disaster or emergency.

In order to receive the protections offered under the bill, a first responder would need to provide reasonable notice to their employer before missing time and would need to provide regular updates during the course of their absence. The bill also allows volunteer firefighters or EMS personnel to take legal action against businesses that fire or discipline an individual who gives appropriate notice before missing work due to a legitimate emergency situation.

In order to prevent abuse, the bill places a 14-day limit on the amount of time volunteer firefighters or EMS workers could take off from their jobs before being subject to disciplinary action. The bill also does not require employers to compensate volunteers for time away from work.

Communities across the country depend on volunteer firefighters and EMS personnel to respond to major disasters. My State is among them. In fact, most communities in Delaware rely almost exclusively on the work and sacrifice of volunteers to protect their citizens from fires to major disasters. This bill seeks to ensure that Delawareans can continue to rely on them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Firefighter and EMS Personnel Job Protection Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **EMERGENCY.**—The term “emergency” has the meaning given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(2) **MAJOR DISASTER.**—The term “major disaster” has the meanings given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) **QUALIFIED VOLUNTEER FIRE DEPARTMENT.**—The term “qualified volunteer fire department” has the meaning given such term in section 150(e) of the Internal Revenue Code of 1986.

(4) **VOLUNTEER EMERGENCY MEDICAL SERVICES.**—The term “volunteer emergency medical services” means emergency medical services performed on a voluntary basis for a fire department or other emergency organization.

(5) **VOLUNTEER FIREFIGHTER.**—The term “volunteer firefighter” means an individual who is a member in good standing of a qualified volunteer fire department.

SEC. 3. TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL PROHIBITED.

(a) **TERMINATION PROHIBITED.**—No employee may be terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because such employee is absent from or late to the employee's employment for the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of a response to an emergency or major disaster.

(b) **DEPLOYMENT.**—The prohibition in subsection (a) shall apply to an employee serving as a volunteer firefighter or providing volunteer emergency medical services if such employee—

(1) is specifically deployed to respond to the emergency or major disaster in accordance with a coordinated national deployment system such as the Emergency Management Assistance Compact or a pre-existing mutual aid agreement; or

(2) is a volunteer firefighter who—

(A) is a member of a qualified volunteer fire department that is located in the State in which the emergency or major disaster occurred;

(B) is not a member of a qualified fire department that has a mutual aid agreement with a community affected by such emergency or major disaster; and

(C) has been deployed by the emergency management agency of such State to respond to such emergency or major disaster.

(c) **LIMITATIONS.**—The prohibition in subsection (a) shall not apply to an employee who—

(1) is absent from the employee's employment for the purpose described in subsection (a) for more than 14 days per calendar year;

(2) responds on the emergency or major disaster without being officially deployed as described in subsection (b); or

(3) fails to provide the written verification described in subsection (e) within a reasonable period of time.

(d) **WITHHOLDING OF PAY.**—An employer may reduce an employee's regular pay for any time that the employee is absent from the employee's employment for the purpose described in subsection (a).

(e) **VERIFICATION.**—An employer may require an employee to provide a written verification from the official of the Federal Emergency Management Agency supervising the Federal response to the emergency or major disaster or a local or State official managing the local or State response to the emergency or major disaster that states—

(1) the employee responded to the emergency or major disaster in an official capacity; and

(2) the schedule and dates of the employee's participation in such response.

(f) **REASONABLE NOTICE REQUIRED.**—An employee who may be absent from or late to the employee's employment for the purpose described in subsection (a) shall—

(1) make a reasonable effort to notify the employee's employer of such absence; and

(2) continue to provide reasonable notifications over the course of such absence.

SEC. 4. RIGHT OF ACTION.

(a) **RIGHT OF ACTION.**—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in section 3 may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—

(1) reinstatement of the individual's former employment;

(2) payment of back wages;

(3) reinstatement of fringe benefits; and

(4) if the employment granted seniority rights, reinstatement of seniority rights.

(b) **LIMITATION.**—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in section 3.

SEC. 5. STUDY AND REPORT.

(a) **STUDY.**—The Secretary of Labor shall conduct a study on the impact that this Act could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.

(b) **REPORT.**—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit to the appropriate congressional committees a report on the study conducted under subsection (a).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.

Ms. COLLINS. Mr. President. I rise to offer my wholehearted support for the bill offered by the distinguished Senator from Delaware to provide some reasonable measure of job protection for the volunteer firefighters and emergency medical personnel who save thousands of lives across this country every year.

This bill is a matter of simple fairness. It recognizes that volunteer firefighters and emergency medical personnel not only serve their own towns and offer mutual assistance to other communities on a day-to-day basis, but also that they are a key component in state and federal plans for responding to catastrophic natural disasters and terrorist attacks.

Across the Nation, our emergency planning relies on the ready availability of these brave first responders. Indeed, volunteers are absolutely critical to mounting a response to disasters, both large and small. My home state of Maine, for example, has slightly more than 10,000 firefighters in 492 departments. Because Maine is a most-

ly rural State, fully 88 percent of those firefighters are volunteers.

Yet, even if they are called up in a major disaster or a Presidentially declared emergency under the Stafford Act, these volunteers have no official protection for their jobs while they are answering the call to duty.

We should protect volunteer firefighters and EMS personnel who put their lives on the line.

The current lack of job protection is dangerous. If large numbers of volunteer firefighters and EMS personnel were terminated or demoted after being called away to a disaster or a series of disasters, recruitment and retention of volunteers could be devastated.

The Volunteer Firefighter and EMS Personnel Job Protection Act would correct the injustice and mitigate the danger in a measured and responsible way. It would protect the volunteer first responders against termination or demotion by employers if they are called upon to respond to a Presidentially declared emergency or a major disaster for up to 14 workdays.

The bill imposes no unreasonable burdens on employers. They are not obliged to pay the volunteers during their absence, and they are entitled to receive official documentation that an absent employee was in fact summoned to and served in a disaster response.

Finally, I would note that the bill would facilitate the work of emergency managers. Having this job protection in force would allow them to make operational and contingency plans with greater confidence, knowing that volunteer responders would not be forced to withdraw in short order for fear of losing their jobs.

The Volunteer Firefighter and EMS Personnel Job Protection Act is a straightforward matter of simple justice and sound policy. By extending some protection to these brave men and women, we can strengthen the protection and life-saving response that they provide to many millions of Americans. I believe this bill merits the support of every Senator, and I am proud to be an original co-sponsor.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2241. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public land under the jurisdiction of those agencies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I have just introduced a piece of legislation called the Public Land Fire Regulation Enforcement Act. I wish to spend a moment talking about that.

Mother Nature possesses a beauty like no other; this beauty sometimes

allows us to forget the ferocious might that she can bring to bear. The tragic fires in California provide an all too real reminder of this.

My thoughts and prayers are with folks in California, because it was not so long ago that Colorado fund itself in a similar situation. Each year people out West live with the constant and growing threat of wildfire. In 2002, nearly 400,000 acres burned. Then Governor Bill Owens said that "all of Colorado is burning".

Unfortunately, some folks—through ignorance, carelessness, or malice—ignore Federal guidelines and start fires during high risk times. In order to deter this action and provide an added measure of security Senator SALAZAR and I are introducing the Public Land Fire Regulations Enforcement Act. This bill will strengthen current law by increasing the penalties for individuals who disregard public safety and start fires during restricted times. It increases possible fines and doubles the maximum time violators could spend in jail.

I hope that the fires burning in California are contained soon and that the damage is minimized as much as possible. I also hope that the legislation I introduce today will help prevent future catastrophic fires from being started.

By Mr. SPECTER (for himself and Mr. WYDEN):

S. 2243. A bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes; to the Committee on Foreign Relations.

Mr. SPECTER. Mr. President. I have sought recognition to offer legislation to encourage Saudi Arabia to halt its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents.

I offer this bill on behalf of myself and Senator WYDEN.

Since the attacks of September 11, 2001, evidence has emerged indicating that support for al-Qaeda, Ramas, and other organizations has come from Saudi Arabia.

Testimony presented to several Congressional committees, including the Senate Governmental Affairs Committee, Judiciary Committee, and Intelligence committees in both houses, has indicated that Saudi Arabia is an epicenter for terrorist financing. These committees have also found the Saudi government's cooperation in investigations into the al-Qaeda terrorist network has been lackluster.

In the 108 Congress, as a member of the Governmental Affairs Committee and as a member of the Judiciary Committee, we worked to establish a basic

point that anybody who knowingly contributes to a terrorist organization is an accessory before the fact to murder; so when people contribute to al-Qaeda or Hamas, knowing that both organizations employ suicide bombers, they are accessories to murder.

United Nations Security Council Resolution 1373, adopted in 2001, mandates that all States "refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts," take "the necessary steps to prevent the commission of terrorist acts," and "deny safe haven to those who finance, plan, support, or commit terrorist acts." There is mounting evidence that Saudi Arabia has not been compliant with this resolution.

The 9/11 Commission interviewed numerous military officers and government officials who repeatedly listed Saudi Arabia as a prime place for terrorists to set up bases and found that "Saudi Arabia's society was a place where al-Qaeda raised money directly from individuals through charities."

The Council on Foreign Relations concluded in a 2002 report that "for years, individuals and charities based in Saudi Arabia have been the most important source of funds for al-Qaeda, and for years, Saudi officials have turned a blind eye."

There are indications that, since the May 12, 2003, suicide bombings in Riyadh, the Government of Saudi Arabia is making a more serious effort to combat terrorism. That said, I would like to draw attention to the following findings recanted by organizations which have studied the record of the Saudis.

In a June 2004 report entitled "Update on the Global Campaign Against Terrorist Financing," the Council on Foreign Relations reported that "we find it regrettable and unacceptable that since September 11, 2001, we know of not a single Saudi donor of funds to terrorist groups who have been publicly punished."

A joint committee of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives issued a report on July 24, 2003, that quotes various U.S. Government personnel who complained that the Saudis refused to cooperate in the investigation of Osama bin Laden and his network both before and after the September 11, 2001, terrorist attacks.

My frustration with the Saudi government's lack of cooperation in international counterterrorism efforts goes back more than a decade. After the Khobar Towers were bombed in 1996—an attack which cost 19 American airmen their lives and injured 400 more—I traveled to Dhahran, Saudi Arabia to see the carnage firsthand. When I arrived, U.S. investigators were being denied the opportunity to interview the suspects apprehended by the Saudis. I personally met with Crown Prince Abdullah of Saudi Arabia to request that the FBI be granted access to the prisoners. Crown Prince Abdullah said that the U.S. should not meddle in

Saudi internal affairs; the murder of 19 airmen and the wounding of 400 more hardly qualifies as a Saudi internal affair.

The Saudi government continues to drag its feet when it comes to cooperation in combating terrorism. The Iraq Study Group stated that Saudi Arabia has been "passive and disengaged" with regard to the situation in Iraq. Passive and disengaged is unacceptable when Saudi institutions are funding, training, inciting, and encouraging many terrorist actions in Iraq.

On October 23, 2007, Crown Prince Sultan bin Abdulaziz stated, "The Kingdom is determined to continue its policy of fighting all forms of terrorism."

According to a July 27, 2007, New York Times article, "Of an estimated 60 to 80 foreign fighters who enter Iraq each month, American military and intelligence officials say that nearly half are coming from Saudi Arabia and that the Saudis have not done enough to stem the flow."

On October 23, 2007, Crown Prince Sultan bin Abdulaziz stated, "Saudi Arabia's view is that dealing with the phenomenon of terrorism should not be confined to the mere security aspect of it but it should also be at the intellectual level."

The Center for Religious Freedom, formerly affiliated with Freedom House, in a 2006 report entitled "Saudi Arabia's Curriculum of Intolerance," stated that despite 2005 statements by the Saudi Foreign Minister that their educational curricula have been reformed, this is "simply not the case." On the contrary, religious textbooks continue to advocate the destruction of any non-Wahhabi Muslim. Saudi Arabia has established Wahhabism, an extreme form of Islam, as the official state doctrine, and about 5,000,000 children are instructed each year in Islamic studies using Saudi Ministry of Education textbooks.

A fall 2007 report by the U.S. Commission on International Religious Freedom stated that, "Due to insufficient information provided by the Saudi government, the Commission could not verify that a formal mechanism exists within the Saudi government to review thoroughly and revise educational texts and other materials sent outside of Saudi Arabia. It appears that the Saudi government has made little or no progress on efforts to halt the exportation of extremist ideology outside the Kingdom." It is important to note that fifteen of the nineteen 9/11 hijackers were Saudis.

In my judgment, the U.S. has been lenient with the Saudis out of deference to Saudi oil. It is really an open scandal that we have not taken action to secure some independence from our reliance on Saudi oil. A September 2005 Government Accountability Office report stated that, "Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large

private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. U.S. Government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support of terrorist activities."

The 9/11 Commission recommended that the problems in our bilateral relationship with Saudi Arabia must be confronted openly—this legislation takes a step in that direction.

The legislation expresses the sense of Congress that the Government of Saudi Arabia must immediately and unconditionally: 1. permanently close all organizations in Saudi Arabia that fund, train, incite, encourage, or in any way aid and abet terrorism anywhere in the World; 2. end all funding for offshore terrorist organizations; 3. block all funding from private Saudi citizens and entities to Saudi-based or offshore terrorist organizations, and 4. provide complete, unrestricted, and unobstructed cooperation to the U.S. in the investigation of terror groups and individuals.

The President should certify to Congress when the Government of Saudi Arabia is fully cooperating with the U.S. in the actions listed above.

Two major objectives in the Global War on Terrorism are to deny terrorists safe haven and to eradicate the sources of terrorist financing. We cannot be successful in this war by ignoring the problem Saudi Arabia presents to our security. The government of Saudi Arabia can no longer remain idle while its citizenry continues to provide the wherewithal for terrorist groups with global reach nor can it continue to directly facilitate and support institutions that incite violence.

President Bush stated that the U.S. "will challenge the enemies of reform, confront the allies of terror, and expect a higher standard from our friends." To be successful in the global war on terrorism we need the proactive and full cooperation of all nations—especially those who consider themselves allies of the U.S.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saudi Arabia Accountability Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United Nations Security Council Resolution 1373 (2001) mandates that all states "refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts", take "the necessary steps to prevent the commission of terrorist acts", and "deny safe haven to

those who finance, plan, support, or commit terrorist acts".

(2) In 2004, the Council on Foreign Relations reported that it knew of "not a single Saudi donor of funds to terrorist groups who has been publicly punished".

(3) In his July 2005 testimony to the Committee on Banking, Housing, and Urban Affairs of the Senate, Stewart Levey, the Undersecretary for the Office of Terrorism and Financing Intelligence of the Department of the Treasury, reported that "even today, we believe that Saudi donors may still be a significant source of terrorist financing, including for the insurgency in Iraq". He added that Saudi financiers and charities "remain a key source for the promotion of ideologies used by terrorists and violent extremists".

(4) According to a July 27, 2007 New York Times article, "Of an estimated 60 to 80 foreign fighters who enter Iraq each month, American military and intelligence officials say that nearly half are coming from Saudi Arabia and that the Saudis have not done enough to stem the flow."

(5) According to a July 15, 2007 Los Angeles Times article, "About 45% of all foreign militants targeting U.S. troops and Iraqi civilians and security forces are from Saudi Arabia . . . according to official U.S. military figures made available to The Times by the senior officer. Nearly half of the 135 foreigners in U.S. detention facilities in Iraq are Saudis, he said. Fighters from Saudi Arabia are thought to have carried out more suicide bombings than those of any other nationality, said the senior U.S. officer, who spoke on condition of anonymity because of the subject's sensitivity."

(6) The Center for Religious Freedom, formerly affiliated with Freedom House, in a 2006 report entitled "Saudi Arabia's Curriculum of Intolerance", stated that despite 2005 statements by the Saudi Foreign Minister that their educational curricula have been reformed, this is "simply not the case". Contrarily, religious textbooks continue to advocate the destruction of any non-Wahhabi Muslim. Saudi Arabia has established Wahhabism, an extreme form of Islam, as the official state doctrine, and about 5,000,000 children are instructed each year in Islamic studies using Saudi Ministry of Education textbooks.

(7) A Fall 2007 United States Commission on International Religious Freedom report stated "Due to insufficient information provided by the Saudi government, the Commission could not verify that a formal mechanism exists within the Saudi government to review thoroughly and revise educational texts and other materials sent outside of Saudi Arabia. It appears that the Saudi government has made little or no progress on efforts to halt the exportation of extremist ideology outside the Kingdom."

(8) A September 2005 Government Accountability Office report stated that "Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. United States Government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support of terrorist activities".

(9) A June 2004 press release on the website of the Saudi embassy, www.saudiembassy.net, discussed the creation of the Saudi National Commission for Relief and Charity Work Abroad, a non-governmental body designed to "take over all aspects of private overseas aid operations and assume responsibility for the distribution of private charitable donations from

Saudi Arabia" in order to "guard against money laundering and the financing of terrorism". As of late 2007, this Commission had not been created.

(10) In a February 2006 open Senate Select Committee on Intelligence hearing on the "World Wide Threat", former Director of National Intelligence and current Deputy Secretary of State John Negroponte, stated that "there are private Saudi citizens who still engage in these kinds of donations [in which money is transferred back door to terrorists]".

(11) A March 2005 report by the Congressional Research Service stated that at least 5 persons listed as beneficiaries of the Saudi Committee for the Support of the Al Quds Intifada were suspected suicide bombers.

(12) During November 8, 2005 testimony on Saudi Arabia before the Subcommittee on Terrorism, Technology, and Homeland Security of the Committee on the Judiciary of the Senate, Steve Emerson, terrorism expert and Executive Director of the Investigative Project on Terrorism, stated that despite repeated declarations by Saudi officials that there has been substantial reform in education, progress against terrorism, and movement toward transparency, a review of other Saudi announcements shows that they have either specifically failed to follow through or cannot be proven to have followed through on their pledges. He also noted that the Saudi government established the Saudi Committee for the Support of the Al Quds Intifada, which was proven to provide aid to Palestinian terrorist groups. During an Israeli raid on a Hamas institution, they discovered a spreadsheet from the aforementioned committee giving a detailed account about how they received \$545,000 from the committee to allocate to 102 families of so-called martyrs. The spreadsheet included the names of 8 suicide bombers.

(13) A January 2007 Congressional Research Service Report on Saudi Arabia's terrorist-financing activities indicated that although the records portion of the Committee for the Support of the Al Quds Intifada was deactivated in March 2005, of the 1,300 listed beneficiaries, over 60 matched or closely resembled the names of known Palestinian militants who carried out attacks against Israel between October 2000 and March 2002.

(14) The final report of the Presidentially-appointed Iraq Study Group stated that "funding for the Sunni insurgency in Iraq comes from private donors in Saudi Arabia and other Gulf states".

(15) A January 2005 report by the Center for Religious Freedom found that Saudi Arabia was creating and distributing, through its embassy in Washington, D.C., material promoting hatred, intolerance, and violence at mosques and Islamic centers in the United States.

(16) On December 14, 2005, R. James Woolsey, former Director of Central Intelligence wrote, "Over the long run, this movement [Wahhabism] is in many ways the most dangerous of the ideological enemies we face." Mr. Woolsey also explained that "al Qaeda and the Wahhabis share essentially the same underlying totalitarian theocratic ideology. It is this common Salafist ideology that the Wahhabis have been spreading widely—financed by \$3-4 billion/year from the Saudi government and wealthy individuals in the Middle East over the last quarter century—to the madrassas of Pakistan, the textbooks of Turkish children in Germany, and the mosques of Europe and the U.S."

(17) According to a May 2006 report by the Center for Religious Freedom, official Saudi religious textbooks continue to teach hatred of those who do not follow Wahhabi Muslim doctrine and encourage jihad against such

“infidels” and “the Saudi public school religious curriculum continues to propagate an ideology of hate toward the unbeliever . . . [A] text instructs students that it is a religious obligation to do ‘battle’ against infidels in order to spread the faith”.

(18) In May 2006, the Congressional Research Service reported that “Saudi Arabia has discussed increasing boycott efforts against Israel, despite their WTO [World Trade Organization] obligations”.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is imperative that the Government of Saudi Arabia immediately and unconditionally—

(A) permanently close all charities, schools, or other organizations or institutions in the Kingdom of Saudi Arabia that fund, train, incite, encourage, or in any other way aid and abet terrorism anywhere in the world (referred to in this Act as “Saudi-based terror organizations”), including by means of providing support for the families of individuals who have committed acts of terrorism;

(B) end funding or other support by the Government of Saudi Arabia for charities, schools, and any other organizations or institutions outside the Kingdom of Saudi Arabia that train, incite, encourage, or in any other way aid and abet terrorism anywhere in the world (referred to in this Act as “off-shore terror organizations”), including by means of providing support for the families of individuals who have committed acts of terrorism;

(C) block all funding from private Saudi citizens and entities to any Saudi-based terror organization or offshore terrorism organization; and

(D) provide complete, unrestricted, and unobstructed cooperation to the United States, including the unsolicited sharing of relevant intelligence in a consistent and timely fashion, in the investigation of groups and individuals that are suspected of financing, supporting, plotting, or committing an act of terror against United States citizens anywhere in the world, including within the Kingdom of Saudi Arabia; and

(2) the President, in determining whether to make the certification described in section 4, should judge whether the Government of Saudi Arabia has continued and sufficiently expanded its efforts to combat terrorism since the May 12, 2003 bombing in Riyadh.

SEC. 4. PRESIDENTIAL CERTIFICATION.

The President shall certify to the appropriate congressional committees when the President determines that the Government of Saudi Arabia—

(1) is fully cooperating with the United States in investigating and preventing terrorist attacks;

(2) has permanently closed all Saudi-based Wahhabist organizations that fund Islamic extremism, internally and abroad;

(3) has exercised maximum efforts to block all funding from private Saudi citizens, corporations, and entities, to foreign Islamic extremist and terrorist movements; and

(4) has stopped financing and disseminating materials, and other forms of support, that encourage the spread of radical Wahhabi ideology.

SEC. 5. STATUS REPORT.

(a) REQUIREMENT FOR REPORT.—Not later than 6 months after the date of the enactment of this Act, and every 12 months thereafter until the President makes the certification described in section 4, the Secretary of State shall submit a report to the appropriate congressional committees that describes the progress made by the Government of Saudi Arabia toward meeting the

conditions described in paragraphs (1) through (4) of section 4.

(b) FORM.—The report submitted under subsection (a) shall be in unclassified form and may include a classified annex.

SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

By Mr. REID (for Mrs. CLINTON):

S. 2244. A bill to require the Secretary of Health and Human Services to carry out demonstration projects and outreach programs for the identification and abatement of lead hazards, to establish the Joint Task Force on Lead-Based Hazards and the Task Force on Children’s Environmental Health and Safety, to strengthen the authority of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise to introduce the Lead Elimination, Abatement and Poisoning Prevention Act of 2007, legislation that would help us address the threat of lead poisoning among children.

We have made enormous strides in reducing exposure to lead since its use was phased out in gasoline and residential paint more than twenty years ago. From 1976 to 1994, we reduced the number of children from age 1 to 5 with elevated blood lead levels from more than 75 percent of the population to slightly over 4 percent of the population, according to the Centers for Disease Control and Prevention, CDC. And many local governments have responded to existing lead hazards through intensive interventions.

In my state, for example, Rochester is just one of the cities that have increased their efforts to address elevated blood lead levels among their residents. In 2002, Rochester estimated that nearly 25 percent of its children had blood lead levels that exceeded the CDC’s standard of 10 micrograms per deciliter. Rochester embarked on efforts to engage in residential lead remediation and abatement, particularly among the 80 percent of its housing stock identified as having lead-based paint. By 2005, according to the Monroe County Department of Health, out of more than 13,000 children screened, the number with elevated blood lead levels had dropped to less than 5 percent—a marked reduction from only three years before. Yet these levels are still high, and Rochester continues to work to reduce that level even further, continuing efforts to identify and address the sources of lead poisoning with a coalition of stakeholders.

These are the types of interventions we should be supporting, because there are still far too many children in Rochester and other places around our country who are at risk for lead poisoning. The CDC estimates that more than 300,000 children have elevated blood

lead levels. Many of these children are at risk due to existing lead-based paint in their homes. To address this concern, I have introduced legislation—the Home-Based Lead Safety Tax Credit Act—which will help families and landlords remediate and abate lead-based hazards in residences.

But as recent events have shown us, residential lead paint is not the only source of exposure to lead hazards. This past summer, families experienced wave after wave of recalls for products containing lead hazards—products that were all targeted for use by children, including toys, bibs, and notebooks. Hundreds of thousands of children have been needlessly exposed to lead-contaminated products, and I have written to both President Bush and the Acting Commissioner of the Consumer Product Safety Commission to urge them to undertake the reforms necessary to strengthen this agency.

Our Government’s Healthy People 2010 Objectives includes the goal of eliminating elevated blood lead levels in children. The Environmental Protection Agency’s Strategic Plan for 2006–2011 also sets the goal of eliminating elevated blood lead levels in American children by 2010. But if we keep along our current path, we will not attain those goals. We must increase our commitment at our federal agencies to address this issue, provide our state and local governments with the tools to mobilize the multiple stakeholders involved in lead abatement and poisoning prevention, and increase our efforts to educate families about ways to protect their children from lead exposure.

We need to take a comprehensive approach to lead poisoning prevention, which is why I am introducing the LEAPP Act today. This legislation will do the following:

In far too many cases, a single dwelling accounts for multiple childhood lead poisonings. This bill would establish a pilot project to increase collaboration between state and local health departments, housing agencies, and environmental departments to identify these “repeat offender” houses, take steps to remediate or remove the existing lead hazards and treat children who have been exposed. This program would be authorized at \$5 million annually from fiscal years 2008 to 2012.

Currently, the federal government has multiple programs designed to addressing lead-based hazards and increase lead poisoning prevention. The LEAPP Act would consolidate these task forces to improve coordination among all agencies, as well as state, local and community stakeholders, and have them develop a strategic plan to maximize resources for Federal Government resources.

The President’s Task Force on Environmental Health Risks and Safety Risks to Children was established in 1997 to help coordinate the overall environmental health work in the Executive Branch. The LEAPP Act would codify the Task Force to facilitate

high-level federal coordination for initiatives that improve children's environmental health, including lead poisoning prevention and abatement.

While exposure to lead paint remains a primary hazard, other sources for lead poisoning are imported products with high levels of lead and traditional medications that contain lead. The LEAAP Act would authorize the Office of Minority Health and the Office of Refugee Resettlement to engage in community-based partnerships to increase culturally appropriate education and outreach campaigns to reduce lead hazard exposure.

Since lead accumulates in bones, many pregnant women may unknowingly have elevated blood lead levels, which may be passed to their children or cause toxic effects on their own organs. Through identifying and screening women during pregnancy, we can work to improve the health of the mother, her child, and the overall family. The LEAPP Act would establish pilot projects to incorporate risk assessment, screening and treatment as part of prenatal care for Medicaid populations. This program would be authorized at \$5 million annually for each of fiscal years 2008 through 2012.

Current law does not require landlords and homeowners to conduct lead-based paint inspections before they can lease or sell their homes. This legislation not only requires landlords to conduct these inspections, but also produce documentation of these inspections and remediate any lead-based paint hazards found as a result of these inspections before leasing or selling homes.

Far too many children are exposed to lead-based paint in their homes only to return to the same home after being diagnosed as having contracted lead poisoning. Under this bill, if the primary residence of a child who is less than 6 years of age is in a unit of public or private housing, and such child is diagnosed by a certified medical practitioner as having contracted lead poisoning, the public housing authority or landlord for such residence shall immediately temporarily relocate the affected family, conduct an inspection and risk assessment for lead, and completely abate the unit in which such child resided.

Current law and regulation that aim to reduce lead-based poisoning in homes do not cover all housing units. If we are to reach our goal of eliminating lead poisoning by 2010, we must extend the reach of current law and regulations to cover all housing units. This bill will extend that coverage to zero bedroom housing, housing for the elderly and persons with disabilities. Doing so will provide protections for children without regard for the type of dwelling in which they reside.

The Low Income Housing Tax Credit is the federal government's largest housing rehabilitation program. Despite this fact, the LIHTC does not have a single lead-based hazard control

requirement. This legislation sets aside 5 percent of the LIHTC funding for lead-based hazard control measures.

Although weatherization measures can improve energy efficiency and save homeowners on energy cost, these measures can also create lead hazards in homes. To protect our children from these hazards, this legislation requires weatherization programs to do lead hazard controls as part of their weatherization work.

I look forward to working with my colleagues to continue our efforts to protect children against lead poisoning.

By Mr. DURBIN:

S. 2245. A bill to establish a commission to ensure food safety in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Safety Authority Modernization Act".

SEC. 2. CONGRESSIONAL BIPARTISAN FOOD SAFETY COMMISSION.

(a) COMMISSION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established a commission to be known as the "Congressional Bipartisan Food Safety Commission" (referred to in this Act as the "Commission").

(B) PURPOSE.—The purpose of the Commission shall be to act in a bipartisan, consensus-driven fashion—

(i) to review the food safety system of the United States;

(ii) to prepare a report that—

(I) summarizes information about the food safety system as in effect as of the date of enactment of this Act; and

(II) makes recommendations on ways—

(aa) to modernize the food safety system of the United States;

(bb) to harmonize and update food safety statutes;

(cc) to improve Federal, State, local, and interagency coordination of food safety personnel, activities, budgets, and leadership;

(dd) to best allocate scarce resources according to risk;

(ee) to ensure that regulations, directives, guidance, and other standards and requirements are based on best-available science and technology;

(ff) to emphasize preventative rather than reactive strategies; and

(gg) to provide to Federal agencies funding mechanisms necessary to effectively carry out food safety responsibilities; and

(iii) to draft specific statutory language, including detailed summaries of the language and budget recommendations, that would implement the recommendations of the Commission.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 19 members.

(B) ELIGIBILITY.—Members of the Commission shall—

(i) have specialized training, education, or significant experience in at least 1 of the areas of—

(I) food safety research;

(II) food safety law and policy; and

(III) program design and implementation;

(ii) consist of—

(I) the Secretary of Agriculture (or a designee);

(II) the Secretary of Health and Human Services (or a designee);

(III) 1 Member of the House of Representatives; and

(IV) 1 Member of the Senate; and

(V) 15 additional members that include, to the maximum extent practicable, representatives of—

(aa) consumer organizations;

(bb) agricultural and livestock production;

(cc) public health professionals;

(dd) State regulators;

(ee) Federal employees; and

(ff) the livestock and food manufacturing and processing industry.

(C) APPOINTMENTS.—

(i) IN GENERAL.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(ii) CERTAIN APPOINTMENTS.—Of the members of the Commission described in subparagraph (B)(i)(V)—

(I) 2 shall be appointed by the President;

(II) 7 shall be appointed by a working group consisting of—

(aa) the Chairman of each of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Health, Education, Labor, and Pensions of the Senate;

(bb) the Chairman of each of the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives;

(cc) the Speaker of the House of Representatives; and

(dd) the Majority Leader of the Senate; and

(III) 6 shall be appointed by a working group consisting of—

(aa) the Ranking Member of each of the Committees described in items (aa) and (bb) of subclause (II);

(bb) the Minority Leader of the House of Representatives; and

(cc) the Minority Leader of the Senate.

(D) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(E) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(3) MEETINGS.—

(A) INITIAL MEETING.—Except as provided in subparagraph (B), the initial meeting of the Commission shall be conducted in Washington, District of Columbia, not later than 30 days after the date of appointment of the final member of the Commission under paragraph (2)(C).

(B) MEETING FOR PARTIAL APPOINTMENT.—If, as of the date that is 90 days after the date of enactment of this Act, all members of the Commission have not been appointed under paragraph (2)(C), but at least 8 members have been appointed, the Commission may hold the initial meeting of the Commission.

(C) OTHER MEETINGS.—The Commission shall—

(i) hold a series of at least 5 stakeholder meetings to solicit public comment, including—

(I) at least 1 stakeholder meeting, to be held in Washington, District of Columbia; and

(II) at least 4 stakeholder meetings, to be held in various regions of the United States; and

(i) meet at the call of—

(I) the Chairperson;

(II) the Vice-Chairperson; or

(III) a majority of the members of the Commission.

(D) PUBLIC PARTICIPATION; INFORMATION.—To the maximum extent practicable—

(i) each meeting of the Commission shall be open to the public; and

(ii) all information from a meeting of the Commission shall be recorded and made available to the public.

(E) QUORUM.—With respect to meetings of the Commission—

(i) a majority of the members of the Commission shall constitute a quorum for the conduct of business of the Commission; but

(ii) for the purpose of a stakeholder meeting described in subparagraph (C)(i), 4 or more members of the Commission shall constitute a quorum.

(F) FACILITATOR.—The Commission shall contract with a nonpolitical, disinterested third-party entity to serve as a meeting facilitator.

(4) CHAIRPERSON AND VICE-CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall select from among the members a Chairperson and Vice-Chairperson of the Commission.

(b) DUTIES.—

(1) RECOMMENDATIONS.—The Commission shall review and consider the statutes, studies, and reports described in paragraph (2) for the purpose of understanding the food safety system of the United States in existence as of the date of enactment of this Act.

(2) STATUTES, STUDIES, AND REPORTS.—The statutes, studies, and reports referred to in paragraph (1) are—

(A) with respect to laws administered by the Secretary of Agriculture—

(i) the Federal Seed Act (7 U.S.C. 1551 et seq.);

(ii) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.);

(iii) the Animal Health Protection Act (7 U.S.C. 8301 et seq.);

(iv) the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.);

(v) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(vi) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.); and

(vii) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(B) with respect to laws administered by the Secretary of the Treasury, the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.);

(C) with respect to laws administered by the Federal Trade Commission, the Act of September 26, 1914 (15 U.S.C. 41 et seq.);

(D) with respect to laws administered by the Secretary of Health and Human Services—

(i) chapters I through IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(ii) the Public Health Service Act (42 U.S.C. 201 et seq.);

(iii) the Import Milk Act (21 U.S.C. 141 et seq.);

(iv) the Food Additives Amendment of 1958 (Public Law 85-929; 52 Stat. 1041);

(v) the Fair Packaging and Labeling Act (Public Law 89-755; 80 Stat. 1296);

(vi) the Infant Formula Act of 1980 (21 U.S.C. 301 note; Public Law 96-359);

(vii) the Pesticide Monitoring Improvements Act of 1988 (Public Law 100-418; 102 Stat. 1411);

(viii) the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 301 note; Public Law 101-535);

(ix) the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 301 note; Public Law 105-115); and

(x) the Public Health Security and Biodefense Preparedness and Response Act of 2002 (21 U.S.C. 201 note; Public Law 107-188);

(E) with respect to laws administered by the Attorney General, the Federal Anti-Tampering Act (18 U.S.C. 1365 note; Public Law 98-127);

(F) with respect to laws administered by the Administrator of the Environmental Protection Agency—

(i) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(ii) the Food Quality Protection Act of 1996 (7 U.S.C. 136 note; Public Law 104-170);

(iii) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(iv) the Safe Drinking Water Act of 1974 (42 U.S.C. 201 note; Public Law 93-523); and

(G) with respect to laws administered by the Secretary of Transportation, chapter 57 of subtitle II of title 49, United States Code (relating to sanitary food transportation); and

(H) with respect to Government studies on food safety—

(i) the report of the National Academies of Science entitled “Ensuring Safe Food from Production to Consumption” and dated 1998;

(ii) the report of the National Academies of Science entitled “Scientific Criteria to Ensure Safe Food” and dated 2003;

(iii) reports of the Office of the Inspector General of the Department of Agriculture, including—

(I) report 24601-0008-CH, entitled “Egg Products Processing Inspection” and dated September 18, 2007;

(II) report 24005-1-AT, entitled “Food Safety and Inspection Service—State Meat and Poultry Inspection Programs” and dated September 27, 2006;

(III) report 24601-06-CH, entitled “Food Safety and Inspection Service’s In-Plant Performance System” and dated March 28, 2006;

(IV) report 24601-05-AT, entitled “Hazard Analysis and Critical Control Point Implementation at Very Small Plants” and dated June 24, 2005;

(V) report 24601-04-HY, entitled “Food Safety and Inspection Service Oversight of the 2004 Recall by Quaker Maid Meats, Inc.” and dated May 18, 2005;

(VI) report 24501-01-FM, entitled “Food Safety and Inspection Service Application Controls—Performance Based Inspection System” and dated November 24, 2004;

(VII) report 24601-03-CH, entitled “Food Safety and Inspection Service Use of Food Safety Information” and dated September 30, 2004;

(VIII) report 24601-03-HY, entitled “Food Safety and Inspection Service Effectiveness Checks for the 2002 Pilgrim’s Pride Recall” and dated June 29, 2004;

(IX) report 24601-02-HY, entitled “Food Safety and Inspection Service Oversight of the Listeria Outbreak in the Northeastern United States” and dated June 9, 2004;

(X) report 24099-05-HY, entitled “Food Safety and Inspection Service Imported Meat and Poultry Equivalence Determinations Phase III” and dated December 29, 2003;

(XI) report 24601-2-KC, entitled “Food Safety and Inspection Service—Oversight of Production Process and Recall at Conagra Plant (Establishment 969)” and dated September 30, 2003;

(XII) report 24601-1-Ch, entitled “Laboratory Testing Of Meat And Poultry Products” and dated June 21, 2000;

(XIII) report 24001-3-At, 24601-1-Ch, 24099-3-Hy, 24601-4-At, entitled “Food Safety and Inspection Service: HACCP Implementation, Pathogen Testing Program, Foreign Country

Equivalency, Compliance Activities” and dated June 21, 2000; and

(XIV) report 24001-3-At, entitled “Implementation of the Hazard Analysis and Critical Control Point System” and dated June 21, 2000; and

(I) with respect to reports prepared by the Government Accountability Office, the reports designated—

(i) GAO-05-212;

(ii) GAO-02-47T;

(iii) GAO/T-RCED-94-223;

(iv) GAO/RCED-99-80;

(v) GAO/T-RCED-98-191;

(vi) GAO/RCED-98-103;

(vii) GAO-07-785T;

(viii) GAO-05-51;

(ix) GAO/T-RCED-94-311;

(x) GAO/RCED-92-152;

(xi) GAO/T-RCED-99-232;

(xii) GAO/T-RCED-98-271;

(xiii) GAO-07-449T;

(xiv) GAO-05-213;

(xv) GAO-04-588T;

(xvi) GAO/RCED-00-255;

(xvii) GAO/RCED-00-195; and

(xviii) GAO/T-RCED-99-256.

(3) REPORT.—Not later than 360 days after the date on which the Commission first meets, the Commission shall submit to the President and Congress a report that includes the report and summaries, statutory language recommendations, and budget recommendations described in clauses (ii) and (iii) of subsection (a)(1)(B).

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission or, at the direction of the Commission, any member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials; as the Commission or member considers advisable.

(2) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(A) ISSUANCE.—A subpoena issued under paragraph (1)(B) shall—

(i) bear the signature of the Chairperson of the Commission; and

(ii) be served by any person or class of persons designated by the Chairperson for that purpose.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the district in which the subpoenaed person resides, is served, or may be found may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(C) NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

(D) WITNESS ALLOWANCES AND FEES.—

(i) IN GENERAL.—Section 1821 of title 28, United States Code, shall apply to a witness requested or subpoenaed to appear at a hearing of the Commission.

(ii) EXPENSES.—The per diem and mileage allowances for a witness shall be paid from funds available to pay the expenses of the Commission.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly, from any Federal agency, such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—

(i) IN GENERAL.—Subject to subparagraph (C), on the request of the Commission, the head of a Federal agency described in subparagraph (A) shall expeditiously furnish information requested by the Commission to the Commission.

(ii) ADMINISTRATION.—The furnishing of information by a Federal agency to the Commission shall not be considered a waiver of any exemption available to the agency under section 552 of title 5, United States Code.

(C) INFORMATION TO BE KEPT CONFIDENTIAL.—For purposes of section 1905 of title 18, United States Code—

(i) the Commission shall be considered an agency of the Federal Government; and

(ii) any individual employed by an individual, entity, or organization that is a party to a contract with the Commission under this section shall be considered an employee of the Commission.

(d) COMMISSION PERSONNEL MATTERS.—

(1) MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) EXECUTIVE DIRECTOR.—Not later than 30 days after the Chairperson and Vice-Chairperson of the Commission are selected under subsection (a)(4), the Chairperson and Vice-Chairperson shall jointly select an individual to serve as executive director of the Commission.

(B) ADDITIONAL STAFF.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate the appointment of such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(C) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director under this paragraph shall be subject to confirmation by the Commission.

(D) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level II of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the

Commission, without reimbursement, for such period of time as is permitted by law.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson, Vice-Chairperson, and executive director of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of that title.

(e) FUNDING AND SUPPORT SERVICES.—For each fiscal year, the Secretary of Agriculture and the Secretary of Health and Human Services shall provide to fund the Commission and carry out this section—

(1) from funds made available to the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and amounts made available for the Office of the Secretary of Health and Human Services from appropriations Acts, such equal amounts as are necessary to fund the Commission and otherwise carry out this section; and

(2) such equal contributions of support services as are necessary to assist the Commission in carrying out the duties of the Commission under this section.

(f) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the report under subsection (b)(2).

SEC. 3. TERMINATION OF AUTHORITY RELATING TO FOOD AND FOOD SAFETY.

(a) TERMINATION OF AUTHORITY.—The budget authority to implement the provisions of law described in subsection (b) relating to food and food safety shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are—

(1) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(2) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(3) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.); and

(4) chapters I through IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 356—AFFIRMING THAT ANY OFFENSIVE MILITARY ACTION TAKEN AGAINST IRAN MUST BE EXPLICITLY APPROVED BY CONGRESS BEFORE SUCH ACTION MAY BE INITIATED

Mr. DURBIN (for himself and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 356

Whereas Article I, Section 8, of the Constitution of the United States vests in Congress all power to declare war: Now, therefore, be it

Resolved, That any offensive military action taken by the United States against Iran must be explicitly approved by Congress before such action may be initiated.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3455. Mr. ALLARD submitted an amendment intended to be proposed by him

to the bill S. 294, to reauthorize Amtrak, and for other purposes.

SA 3456. Mr. SUNUNU proposed an amendment to the bill S. 294, supra.

SA 3457. Mrs. MURRAY proposed an amendment to the bill S. 294, supra.

SA 3458. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 294, supra; which was ordered to lie on the table.

SA 3459. Mrs. MURRAY proposed an amendment to the bill S. 294, supra.

SA 3460. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3461. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3462. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3463. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3464. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3465. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3466. Mr. REID (for Mr. SUNUNU (for himself, Mr. CARPER, Mr. STEVENS, Mr. INOUE, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mrs. HUTCHISON, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 3678, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

SA 3467. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table.

SA 3468. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3469. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3470. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3455. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

Strike subsection (a) of section 219.

SA 3456. Mr. SUNUNU proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 35, strike line 1 and all that follows through “(A)” on line 4 and insert the following:

“(b) IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 35, strike lines 11 through 16.

SA 3457. Mrs. MURRAY proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 189, after line 25, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. STRATEGIC PLAN ON EXPANDED CROSS-BORDER PASSENGER RAIL SERVICE DURING THE 2010 OLYMPIC GAMES.

Not later than 120 days after the date of the enactment of this Act, Amtrak shall, in consultation with the Secretary of Homeland Security, the Washington State Department of Transportation, and the Burlington Northern Santa Fe Railway—

(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as “Amtrak Cascades”);

(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

SA 3458. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, after line 25, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. COMPREHENSIVE PRECLEARANCE INSPECTIONS FOR RAIL PASSENGERS TRAVELING INTO THE UNITED STATES ON THE AMTRAK CASCADES ROUTE.

(a) IN GENERAL.—Not later than December 31, 2009, the Secretary of Homeland Security shall provide comprehensive preclearance inspections, including customs inspections, at the Pacific Central Station in Vancouver, British Columbia, Canada, for passengers traveling into the United States on the Amtrak passenger rail route that travels between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as “Amtrak Cascades”).

(b) PROGRESS REPORTS.—Not later than 180 days and 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report describing the progress of the Department of Homeland Security toward providing the comprehensive preclearance inspections described in subsection (a).

SA 3459. Mrs. MURRAY proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 33, between lines 10 and 11, insert the following:

SEC. 210A. REPORT ON SERVICE DELAYS ON CERTAIN PASSENGER RAIL ROUTES.

Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall submit to Congress a report that—

(1) describes service delays and the sources of such delays on—

(A) the Amtrak passenger rail route between Seattle, Washington, and Los Angeles, California (commonly known as the “Coast Starlight”); and

(B) the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as “Amtrak Cascades”); and

(2) contains recommendations for improving the on-time performance of such routes.

SA 3460. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 63, line 9, insert “, infrastructure,” after “facilities”.

SA 3461. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

At the end of title III, add the following:

SEC. 306. PASSENGER RAIL SYSTEM COMPARISON STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, and Japan.

(b) ISSUES TO BE STUDIED.—The study conducted under subsection (a) shall include a country-by-country comparison of—

- (1) the development of high speed rail;
- (2) passenger rail operating costs;
- (3) the amount and payment source of rail line construction and maintenance costs;
- (4) the amount and payment source of station construction and maintenance costs;
- (5) passenger rail debt service costs;
- (6) passenger rail labor agreements and associated costs;
- (7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;
- (8) the percentage of the passenger rail system's costs that are paid from general government revenues; and
- (9) the method used by the government to provide the subsidies described in paragraph (8).

(c) REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

- (1) the Committee on Commerce, Science, and Transportation of the Senate; and
- (2) the Committee on Transportation and Infrastructure of the House of Representatives.

SA 3462. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ AFFIRMATION THAT ANY OFFENSIVE MILITARY ACTION TAKEN AGAINST IRAN SHALL BE EXPLICITLY APPROVED BY CONGRESS BEFORE SUCH ACTION MAY BE INITIATED.

The Senate hereby affirms that—

(1) Article I, Section 8, of the Constitution of the United States vests in Congress all power to declare war; and

(2) any offensive military action taken by the United States against Iran must be explicitly approved by Congress before such action may be initiated.

SA 3463. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and

for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE V—NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2007

SEC. 501. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the “National Capital Transportation Amendments Act of 2007”.

(b) FINDINGS.—Congress finds as follows:

(1) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(2) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(3) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

SEC. 502. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.

The National Capital Transportation Act of 1969 (sec. 9-1111.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

“AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

“SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

“(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

“(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

“(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

“(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

“(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments

which may be required to implement such amendments) have taken effect:

“(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

“(B) For purposes of this paragraph, the term ‘dedicated funding source’ means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

“(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

“(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

“(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed \$1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

“(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

“(1) shall remain available until expended; and

“(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

“(g) ACCESS TO WIRELESS SERVICES IN METRO-RAIL SYSTEM.—

“(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

“(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail station platforms with the highest volume of passenger traffic.

“(B) Not later than 4 years after such date, throughout the rail system.

“(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

“(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this sub-

section may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

“(4) REPORTS.—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

“(5) DEFINITION.—In this subsection, the term ‘licensed wireless provider’ means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.”.

SEC. 503. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.

(a) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—The Washington Metropolitan Area Transit Authority (hereafter referred to as the “Transit Authority”) shall establish in the Transit Authority the Office of the Inspector General (hereafter in this section referred to as the “Office”), headed by the Inspector General of the Transit Authority (hereafter in this section referred to as the “Inspector General”).

(2) DEFINITION.—In paragraph (1), the “Washington Metropolitan Area Transit Authority” means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774).

(b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(3) REPORTS.—

(A) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(B) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(5) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(2) STAFF.—

(A) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(i) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(ii) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(iii) such other personnel as the Inspector General considers appropriate.

(B) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(C) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (B).

(3) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

SEC. 504. STUDY AND REPORT BY COMPTROLLER GENERAL.

(a) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this title).

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under subsection (a).

SA 3464. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, between lines 12 and 13, insert the following:

SEC. 200. MISSION.

Section 24101 is amended by striking subsection (c) and inserting the following:

“(c) MISSION.—

“(1) IN GENERAL.—The mission of Amtrak is to provide efficient and effective intercity passenger mobility in those travel markets in which passenger rail offers a trip-time and service quality competitive or complementary travel option consistent with the goal of continual reduction in Federal operating subsidies required to provide such service.

“(2) PERFORMANCE MEASUREMENT.—All measurements of Amtrak performance, including decisions on whether, and to what

extent, to provide operating subsidies, shall be based on the Amtrak's ability to carry out the mission described in paragraph (1).”.

On page 33, line 3, strike “may” and insert “shall”.

SA 3465. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 10 and 11, insert the following:

SEC. 210A. REPORT ON THE FEASIBILITY OF RE-ESTABLISHING AN AMTRAK ROUTE THROUGH SOUTHERN MONTANA.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Montana Department of Transportation and such other States and organizations as the Secretary determines appropriate, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the feasibility of reestablishing an Amtrak passenger rail route through southern Montana (formerly known as the “North Coast Hiawatha”).

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include an assessment of—

(1) the costs associated with the operation of a passenger rail route through southern Montana and any upgrades necessary to reestablish the route;

(2) the numbers of passengers projected to use the route;

(3) the economic benefits to the region of a passenger rail route through southern Montana;

(4) any impact on the existing Amtrak passenger rail route through northern Montana (commonly known as the “Empire Builder”); and

(5) the availability of other modes of long-distance travel to residents of southern Montana.

SA 3466. Mr. REID (for Mr. SUNUNU (for himself, Mr. CARPER, Mr. STEVENS, Mr. INOUE, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mrs. HUTCHISON, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 3678, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Internet Tax Freedom Act Amendments Act of 2007”.

SEC. 2. MORATORIUM.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in section 1101(a) by striking “2007” and inserting “2014”; and

(2) in section 1104(a)(2)(A) by striking “2007” and inserting “2014”.

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

“(c) APPLICATION OF DEFINITION.—

“(1) IN GENERAL.—Effective as of November 1, 2003—

“(A) for purposes of subsection (a), the term ‘Internet access’ shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

“(B) for purposes of subsection (b), the term ‘Internet access’ shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108-435).

“(2) EXCEPTIONS.—Paragraph (1) shall not apply until June 30, 2008, to a tax on Internet access that is—

“(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

“(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

“(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to June 30, 2008, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).”.

SEC. 4. DEFINITIONS.

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking “services”; (2) by amending paragraph (5) to read as follows:

“(5) INTERNET ACCESS.—The term ‘Internet access’—

“(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

“(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

“(i) to provide such service; or

“(ii) to otherwise enable users to access content, information or other services offered over the Internet;

“(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity;

“(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), (C), or (E) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), (C), or (E); and

“(E) includes a home page electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity, that are provided independently or not packaged with Internet access.”.

(3) by amending paragraph (9) to read as follows:

“(9) TELECOMMUNICATIONS.—The term ‘telecommunications’ means ‘telecommunications’ as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and ‘telecommunications service’ as such term is defined in section 3(46) of

such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).", and

(4) in paragraph (10) by adding at the end the following:

"(C) SPECIFIC EXCEPTION.—

"(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

"(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

"(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

"(III) is imposed on a broad range of business activity; and

"(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

"(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

"(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007."

SEC. 5. CONFORMING AMENDMENTS.

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking "telecommunications services" each place it appears and inserting "telecommunications"; and

(2) in subsection (b)(2)—

(A) in the heading by striking "SERVICES";

(B) by striking "such services" and inserting "such telecommunications"; and

(C) by inserting before the period at the end the following: "or to otherwise enable users to access content, information or other services offered over the Internet".

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

SEC. 6. SUNSET OF GRANDFATHER PROVISIONS.

Section 1104(a) of the Internet Tax Freedom Act is amended by adding at the end thereof the following:

"(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any State that has, more than 24 months prior to the date of enactment of this paragraph, enacted legislation to repeal the State's taxes on Internet access or issued a rule or other proclamation made by the appropriate agency of the State that such State agency has decided to no longer apply such tax to Internet access."

SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

SA 3467. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 224. DISCLOSURE OF PER PASSENGER FEDERAL SUBSIDIES.

Amtrak shall publicly disclose all the costs incurred for each Amtrak route that are subsidized by the Federal Government, including costs for maintenance, depreciation, and operations. The specific per-passenger Federal subsidy on each route shall be displayed on every ticket purchased for that route and on Amtrak's publicly accessible website.

SA 3468. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, strike line 22 and all that follows through page 34, line 5, and insert the following:

"(1) any qualified rail operator or transportation company

SA 3469. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 21, strike "(b)" and insert the following:

(b) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

(c)

SA 3470. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, strike line 21 and insert the following:

"(7) reaching financial solvency by eliminating routes and services that do not make a profit; and

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public

that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on November 8, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 86, to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers; S. 1365, to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes; S. 1449, to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature & Science in Denver, Colorado; S. 1921, to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes; S. 1941, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; S. 1961, to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama; S. 1991, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes; S. 2098, to establish the Northern Plains Heritage Area in the State of North Dakota; S. 2220, to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations; and H.R. 1191, to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel.pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, October 25, 2007 at 9 a.m. in room SR-328A of the Russell Senate Office building. The Committee will continue its markup of the 2007 farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing during the session of the Senate on Thursday, October 25, 2007, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

At this hearing, the subcommittee will examine sweatshop conditions in Chinese factories where toys and other children's products are manufactured.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 25, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on "Small Business Health Insurance: Building a Gateway to Coverage."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARPER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct an Executive Business Meeting on Thursday, October 25, 2007, at 10 a.m. in room 226 of the Dirksen Senate Office Building. The agenda is attached.

Agenda

I. Bill

S. 1946, Public Corruption Prosecution Improvements Act (Leahy, Cornyn).

II. Resolutions

S. Res. 347, Designating May 2008 as "National Be Bear Aware and Wildlife Stewardship Month" (Baucus, Tester).

S. Res. 346, Expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the

States of Illinois, Iowa, Minnesota, Ohio and Wisconsin. (Coleman, Durbin, Grassley, Feingold, Kohl).

III. Nomination

John Daniel Tinder, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARPER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 25, 2007 at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICE, AND INTERNATIONAL SECURITY

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, October 25, 2007, at 2:30 p.m. in order to conduct a hearing entitled, "Single Audits: Are They Helping to Safeguard Federal Funds?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, be authorized to meet during the session of the Senate on Thursday, October 25, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing on effectiveness of Federal drunk driving programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LAUTENBERG. I ask unanimous consent that Michael F. Burke, a fellow in the office of Senator CARDIN, be granted the privileges of the floor during consideration of S. 294, the Passenger Rail Investment and Improvement Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—S. 2233, S. 2234, H.R. 505, H.R. 3963

Mr. CARPER. Mr. President, I understand there are four bills at the desk,

and I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 2233) to provide a permanent deduction for State and local general sales taxes.

A bill (S. 2234) to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses.

A bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

A bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

Mr. CARPER. Mr. President, I now ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read the second time on the next legislative day.

ORDERS FOR FRIDAY, OCTOBER 26, 2007

Mr. CARPER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, October 26; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of Calendar No. 158, S. 294, Amtrak authorization; that at 10 a.m., the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; that during morning business, Senator DODD be recognized for up to 20 minutes, Senator DORGAN up to 30 minutes, and Senator INHOFE up to 2 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CARPER. Mr. President, if there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:45 p.m., adjourned until Friday, October 26, 2007, at 9:30 a.m.